

# ***HOUSE RESOURCE & CONSERVATION***

## ***ADMINISTRATIVE RULES REVIEW***

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# **RESOURCE & CONSERVATION**

## **IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

### **13.01.04 - RULES GOVERNING LICENSING**

**DOCKET NO. 13-0104-0601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**Amend the eligibility requirements for a Disabled Persons License to comply with statutory amendment (S 1385). Adopt eligibility requirements and permit conditions to implement the new ‘children with special needs big game permit/tag’ created by statutory amendment (S1381). Amend the outfitter allocation rule to clarify the allocation process and to address outfitter concerns. Clarify the Handicapped Archery Permit rule to address equipment concerns of handicapped archers. Delete the Southeast Idaho Nonresident Deer License/Tag rule because this hunt is now a controlled hunt.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 159 through 167.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 9th day of November, 2006.

***THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is July 17, 2006.

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing Licensing****Docket No. 13-0104-0601**  
**PENDING RULE**

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**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 36-104(b), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the eligibility requirements for a Disabled Persons License to comply with statutory amendment (S 1385). Adopt eligibility requirements and permit conditions to implement the new 'children with special needs big game permit/tag' created by statutory amendment (S 1391). Amend the outfitter allocation rule to clarify the allocation process and to address outfitter concerns. Clarify the Handicapped Archery Permit rule to address equipment concerns of handicapped archers. Delete the Southeast Idaho Nonresident Deer License/Tag rule because this hunt is now a controlled hunt.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit to disabled persons, children with special needs, outfitters, and hunters.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2006 hunting seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Sharon Kiefer (208) 287-2784.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing Licensing**

**Docket No. 13-0104-0601**  
**PENDING RULE**

DATED this 21st. day of August, 2006.

W. Dallas Burkhalter, Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut - P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

## ***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

### **010. DEFINITIONS.**

These definitions will provide clarity and consistency in enforcement of these rules. (7-1-93)

**01. Authorized Corporate Representative.** Any shareholder in a corporation, designated in writing by the corporation as the eligible applicant, who is in actual physical control of the eligible property. (7-1-93)

**02. Blind Person.** A blind person is one who has a medically documented loss or impairment of his or her vision and includes any person whose visual acuity with correcting lens does not exceed twenty/two hundred (20/200) in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees. (7-1-93)

**03. Domicile.** The term “domicile” means the place where an individual has his true, fixed, permanent home and to which place he has the intention of returning whenever he is absent. An individual can have several dwelling places, but only one (1) domicile. Factors to consider to establish domicile include, but are not limited to: (7-1-93)

**a.** What address does the person use on tax returns and where does the person file a state resident income tax return? (7-1-93)

**b.** Where is the person registered to vote? (7-1-93)

**c.** Where does the person and his immediate family live? (7-1-93)

**d.** Where does the person have his mail sent or forwarded to? (7-1-93)

**e.** Does the person remain listed in the telephone directory? (7-1-93)

**f.** Where does he register his automobiles? (7-1-93)

**g.** Where has the person claimed a homeowner exemption on a personal residence? (7-1-93)

**h.** Where does he have a driver’s license? (7-1-93)

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- i. Where are his regular physicians and dentists located? (7-1-93)

**04. Disabled.** ~~Permanent and total disability is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than sixty (60) months.~~ A person is disabled if they are deemed disabled by one (1) or more, but not necessarily all of the following: the railroad retirement board pursuant to Title 45 of the United States Code, or certified as eligible for Federal Supplemental Security Income (SSI); or Social Security Disability Income (SSDI); or a nonservice-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or if a physician has certified any of the following - that a person has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments - neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb. (7-1-93)(7-17-06)T

**05. Eligible Applicant.** A physically handicapped person certified by a physician licensed in the state in which the handicapped person resides, as meeting one (1) or more of the criteria set forth in Idaho Code, Section 36-1101(a)1 through 3, and one who is capable of holding, or holding and firing, without assistance from other persons, legal ~~firearms or archery~~ hunting and fishing equipment. (7-1-93)(7-17-06)T

**06. Eligible Property.** At least six hundred forty (640) acres of land in one (1) controlled hunt unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or antelope, whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (4-5-00)

**07. Landowner.** Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser. (10-26-94)

**08. ~~Medical Basis for Disability.~~** ~~An individual must have a medically determinable impairment. This means an impairment which has medically demonstrable, anatomical, physiological, or psychological abnormalities. Such abnormalities are medically determinable if they manifest themselves as signs or laboratory findings apart from symptoms. Abnormalities which manifest themselves only as symptoms are not medically determinable. Symptoms are the claimant's own perception of his or her physical or mental impairments. Signs are anatomical, physiological, or psychological abnormalities which can be observed through the use of medically acceptable clinical techniques. In psychiatric impairments, signs are medically demonstrable abnormalities of behavior, affect thought, memory, orientation and contact with reality. Laboratory findings are manifestations of anatomical, physiological, or psychological phenomena demonstrable by replacing or extending the perceptiveness of the observers senses and include chemical, electrophysiological, roentgenological or psychological tests. Statements of the applicant, including his or her own description of the impairment are alone insufficient to establish the presence of a physical or mental impairment.~~ **Permanent Disability.** Permanent

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disability is defined as a medically determinable physical impairment, which a physician has certified that the condition has no expectation for a fundamental or marked change at any time in the future. (7-1-93)(7-17-06)T

~~09. **Medical Equivalency.** A patient who is not working can meet the definition of disability if he or she has an impairment with specific clinical findings that are the same as or medically equivalent to any set of findings under the evaluation criteria as established by the U.S. Department of Health, Education, and Welfare, Social Security Administration, for disability under Title II and Title XVI.~~ (7-1-93)

~~10. **Permanent and Totally Disabled.** Permanent and total disability is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than sixty (60) months.~~ (7-1-93)

~~109. **Resident.** The term "resident" is defined in Section 36-202(r), Idaho Code.~~ (7-1-93)

~~12. **Substantial Gainful Work.** Substantial gainful work is any work of a nature generally performed for remuneration or profit involving the performance of significant physical or mental duties, or a combination of both. Work may be considered substantial even if performed part time and even if it is less demanding or less responsible than an individual's former work and it may be considered gainful even if it pays less than his former work.~~ (7-1-93)

### (BREAK IN CONTINUITY OF SECTIONS)

263. -- 3021. (RESERVED).

#### **302. DISABILITY LICENSES.**

Disabled Combination Hunting/fishing, Disabled Fishing, Disabled American Veterans Combination Hunting And Fishing License And Disabled American Veterans Fishing License. (7-17-06)T

**01. Applicants for Disability Licenses Must Attest to the Disability Requirements.**  
It is a violation for any person to misrepresent any information to obtain a disability license. (7-17-06)T

**02. Required Documentation.** Required documentation must be submitted in person or by mail to the Department of Fish and Game set forth in Section 005. Applications must be supported by the documentation noted in either Subsection 302.02.a. or 302.02.b. of this rule. (7-17-06)T

**a.** License buyer must present, to an Idaho Department of Fish and Game office or select vendor one (1) of the following: (7-17-06)T

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i. A current year's award statement in the individuals name showing that he or she is receiving SSI or SSDI benefits for the current year; (7-17-06)T

ii. A letter from the Railroad Retirement board verifying disability status and being dated within three years preceding the application for a disabled license; (7-17-06)T

iii. A letter from the from the Veterans Affairs office showing a percentage of disability of 40 percent (40%) or greater; (7-17-06)T

iv. A letter from the Veterans Affairs office showing an individual is receiving a nonservice-connected pension. (7-17-06)T

b. License buyer must initially present to an Idaho Fish and Game office a form, prescribed by the Department, showing physician certification of permanent disability, defined in Subsections 010.04 and 010.08 of this rule, or an individual may present their valid Idaho driver's license in lieu of the prescribed department form if the individual meets the disability requirements of Section 49-117(7)(b), Idaho Code, and the driver's license is appropriately marked as disabled. Only eligible applicants may submit such applications. Physician certification will not be required for subsequent disability license application. (7-17-06)T

c. Individuals using the department form for a physician's permanent disability certification must complete and sign the application form. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in Subsection 010.04 of this rule, qualifies the applicant and why. The physician, physician assistant, or nurse practitioner shall also certify that the applicant is capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for a permanent disability on the application. (7-17-06)T

### (BREAK IN CONTINUITY OF SECTIONS)

## 304. HANDICAPPED ARCHERY PERMIT.

### 01. Applications for Handicapped Archery Permits. (3-20-97)

a. Applications for handicapped archery permits shall be on a form prescribed by the Department. Only eligible applicants may submit such applications. (3-20-97)

b. Applicants shall sign the application. Nonresident applicants must have their signature notarized. Each application shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating that the applicant has a permanent disability whereby he does not have use of one (1) or both of his arms or hands. The physician,

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physician assistant, or nurse practitioner shall also certify that the applicant is capable of holding and firing, without assistance from other persons, a bow or crossbow. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner medical license must accompany the application.

~~(3-20-04)~~(7-17-06)T

### 02. Handicapped Archery Permits. (3-20-97)

a. Handicapped archery permits shall be issued only by the Director of the Department and shall expire on December 31 of the fifth year following the date of issuance.

(3-20-97)

b. The handicapped archery permit shall be carried on the person of anyone participating in an archery only season with the use of a crossbow and produced upon request on an officer.

(3-20-97)

c. The handicapped archery permit shall allow the holder thereof to participate in an archery only hunt with the use of a crossbow or a device attached that holds a bow at partial or full draw.

~~(3-20-97)~~(7-17-06)T

## (BREAK IN CONTINUITY OF SECTIONS)

### 505. DEER AND ELK TAG ALLOCATION.

01. **Allocation of Tags.** Pursuant to Idaho Code, Section 36-408~~(d)~~, the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation.

~~(7-1-99)~~(7-17-06)T

02. **Controlled Hunt Areas.** Only those controlled hunt areas ~~existing prior to 1998~~ with historic licensed deer and/or elk outfitted area(s) may be considered for a tag/permit allocation. The allocation will be calculated on a controlled hunt area basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, non-outfitted nonresident hunters, and outfitted hunters.

~~(3-30-01)~~(7-17-06)T



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a. The number of allocated tags will be ~~subtracted~~ in addition to from the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. (3-30-01)(7-17-06)T

b. ~~Successful allocated controlled hunt applicants must use the services of an Idaho licensed outfitter.~~ Prior to submitting an application for an outfitter allocated controlled hunt, the applicant must have a written agreement with an outfitter licensed in the hunt area. Successful applicants of an outfitter allocated controlled hunt must hunt with an outfitter licensed for the hunt area. The outfitter must purchase the successful applicant's permit and tag by August 20. Successful applicants authorize the Department to provide names and addresses to the outfitter(s) licensed for that controlled hunt. (3-30-01)(7-17-06)T

c. Successful applicants who do not want to participate in the outfitted hunt can decline the hunt upon written notification to the department. Those declining the hunt will then be eligible to participate in a general season or leftover controlled hunt. Those drawing an outfitted controlled hunt and then declining the controlled hunt will be subject to the appropriate waiting period. (5-3-03)

d. Successful applicants that do not secure the services of an Idaho licensed outfitter and have not purchased the controlled hunt permit and tag by August 20 will forfeit the opportunity to purchase a controlled hunt permit. The forfeited controlled hunt permit will then be listed as a leftover permit. The department will inform the Idaho Outfitters and Guides Board that a permit is available. After securing a client, the outfitter(s) may then purchase the leftover controlled hunt permit at a department regional or headquarters office. (5-3-03)

e. The number of allocated tag/permits will be determined by using one (1) of the following options: (3-30-01)

i. The number of allocated tags available within the controlled hunt area will be ~~based on a variable scale depending on the number of tags established by the Fish and Game Commission: less than fifty-one (51) tags = zero percent (0%); fifty-one (51) or more tags = maximum of three percent (3%) no more than six percent (6%); or~~ (7-1-99)(7-17-06)T

ii. The number of tags available within the controlled hunt area will be based on the average historic use during the previous five (5) year period and calculated tag numbers will be rounded up when permits equal or exceed zero point six (0.6) and rounded down when permits are less than zero point six (0.6); or (3-30-01)

iii. No tags will be allocated. (7-1-99)

~~f. Applicants who apply for an outfitter controlled hunt by their application authorize the Department to provide their names and addresses only to those outfitters licensed for that controlled hunt and only if they are successful in drawing a permit for that controlled hunt.~~ (3-30-01)

~~03. Controlled Hunts or Hunts with Limited Hunting Opportunities Established After 1997. Controlled hunts or hunts with limited hunting opportunities established after 1997, with historic licensed deer and/or elk outfitted areas, may be considered for allocated tags. The~~

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~~number of tags will be determined by the Fish and Game Commission using Subsections 505.02.c.i., 505.02.c.ii., and 505.02.c.iii. (3-30-01)~~

### (BREAK IN CONTINUITY OF SECTIONS)

#### 600. NONRESIDENT DEER AND ELK TAG QUOTAS.

**01. Tag Quotas.** The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (3-20-97)

- a. Twelve thousand eight hundred (12,800) regular or Clearwater deer tags; (4-6-05)
- b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones; (3-20-04)
- c. One thousand two hundred (1,200) S.E. Idaho area Deer tags. (7-1-98)

**02. Exceptions.** Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (7-1-93)

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

b. Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (7-1-93)

c. Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (7-1-93)

d. Junior mentored tag holders. (3-20-04)

**03. Refunds.** The fee for any nonresident license (as defined in I.C. 36-202(z)) shall not be refunded for any reason except as follows. (7-1-98)

a. Hunting license and general season deer and elk tag refunds due to death, illness/injury or military deployment of licensee. Non-resident general season deer or elk tag fees and prerequisite hunting license fee and controlled hunt deer and elk tag fees may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed

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conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (4-6-05)

**b.** General season and controlled hunt deer and elk tag refunds for other than death, illness/injury, or military deployment of licensee. Non-resident general season and controlled hunt deer or elk tag fees may be refunded for any reason other than death of the licensee; illness or injury of licensee which totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee.

| Postmarked                 | Percent of Fee Refunded |
|----------------------------|-------------------------|
| Before April 1             | 75%                     |
| in April through June      | 50%                     |
| in July and August         | 25%                     |
| September through December | 0%                      |

(4-6-05)

**c.** Department Error. The department determines that a department employee made an error in the issuance of the license. (7-1-98)

**d.** Submission Requirements. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (7-1-98)

**e.** Effective. These changes will be effective with the 1997 licenses and tags. (7-1-98)

**04. Sale of Unsold Nonresident Deer and Elk Tags to Residents.** Any unsold nonresident deer or elk tags may be sold to residents and to nonresidents as a second tag, at the nonresident deer or elk tag price, beginning September 1. All privileges and restrictions associated with the use of the nonresident deer or elk tag will apply equally to residents who purchase a nonresident deer or elk tag. (3-15-02)

~~**05. S.E. Idaho License/Tag Application and Drawing.**~~ (3-20-04)

~~**a.** Nonresidents must submit application to the Idaho Department of Fish and Game headquarters license section to be eligible to receive an Idaho S.E. deer tag. The application period will be for the two (2) consecutive months from December 1 through January 31, and received by the license section no later than February 5 for the current year's license. The Idaho Department of Fish and Game is not responsible for lost or late applications.~~ (3-20-04)

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- ~~b.~~ Applications must be submitted on a department-approved form. (3-20-04)
- ~~c.~~ Only those eligible to purchase an Idaho hunting license at the time of application are eligible to apply for the S.E. deer tag. (3-20-04)
- ~~d.~~ A nonrefundable application fee of six dollars and fifty cents (\$6.50) must be submitted with the application. (3-20-04)
- ~~e.~~ At the time of application, the applicant must submit the nonrefundable application fee, the hunting license fees (if applicable), and the fees for the S.E. deer tag. Those successful in the drawing will receive the appropriate hunting license (if applicable) and the S.E. deer tag. Those who are unsuccessful will receive a refund of the license fee (if applicable) and the S.E. deer tag fees. (3-20-04)
- ~~f.~~ Group applications may be submitted. A group application may consist of up to four (4) individuals. All required information must be submitted in the same envelope to be considered as a group application. If a group application is selected in the random drawing, then each applicant will receive a hunting license (if applicable) and a S.E. deer tag. (3-20-04)
- ~~g.~~ Applications received after the deadline will be processed through the drawing but will be ineligible to draw. The appropriate license and tag fees will be refunded. (3-20-04)
- ~~h.~~ Applications with insufficient fees will be processed through the drawing but will be ineligible to draw. The appropriate license and tag fees will be refunded (if applicable). (3-20-04)
- ~~i.~~ Computer drawing: To ensure fairness to all applicants, the drawing will be conducted using the existing department controlled hunt drawing processes. A random computer selection will determine successful applicants. If the applicant is successful, the license (if applicable) and deer tag will be issued and mailed to the customer within fifteen (15) days of the drawing date. License (if applicable) and tag fees will be refunded to unsuccessful applicants in the form of a state warrant. All refunds will be issued in the name of the applicant, regardless of who submitted the original payment for the application. (3-20-04)
- ~~j.~~ Those applying for the S.E. deer tag will not affect their ability to apply for controlled hunts. (3-20-04)
- ~~k.~~ Those unsuccessful in drawing a S.E. deer tag will be placed on a waiting list randomly in case the department receives returned unused tags for refunds or controlled hunt exchanges. These tags will be sold to the individuals on the list in order of standing on the waiting list. (3-20-04)
- ~~l.~~ All other existing refund rules apply to those who have successfully drawn and have been issued the S.E. Idaho deer tag. (3-20-04)

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**Rules Governing Licensing**

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## **(BREAK IN CONTINUITY OF SECTIONS)**

**801. -- ~~9899~~. (RESERVED).**

### **900. CHILDREN WITH SPECIAL NEEDS BIG GAME PERMIT/TAG.**

**01. Availability.** The Department shall make available no more than ten (10) big game permit/tags available for children with life threatening medical conditions. (7-17-06)T

**02. Issuance.** The Commission delegates discretionary authority to issue a special needs permit/tag to the Director. (7-17-06)T

**03. Eligibility.** In order to receive a special needs big game permit/tag, a resident or nonresident minor (seventeen (17) years of age or younger) must have a life threatening medical condition as certified by a qualified and licensed physician. (7-17-06)T

**a.** A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3) of the Internal Revenue code. (7-17-06)T

**b.** The primary mission of the sponsoring organization must be to offer opportunities and experiences to minor children with life threatening medical conditions. (7-17-06)T

**c.** Minimum age requirements and hunter education requirements are waived for individuals applying for or receiving a special needs big game permit/tag. (7-17-06)T

**04. Validity of Permit/Tag.** The special needs permit/tag shall be valid for one (1) deer, one (1) elk, one (1) pronghorn, one (1) moose, one (1) black bear, or one (1) mountain lion as allowed by Commission regulation. (7-17-06)T

**a.** A license is not required to apply for or receive a special needs big game permit/tag. (7-17-06)T

**b.** The special needs permit/tag is valid in any open hunt, controlled or general, as provided by Commission regulation. (7-17-06)T

**c.** Applicants may only receive 1 special needs permit/tag in a lifetime. (7-17-06)T

**d.** In exercising hunting privileges, the holder of a special needs permit/tag must be accompanied by an adult in possession of a valid Idaho big game hunting license. (7-17-06)T

**05. Application.** Applications shall be on a form as prescribed by the Director. (7-17-06)T

**a.** Applications shall be submitted on behalf of applicants by an eligible nonprofit organization. (7-17-06)T

**b.** A copy of the nonprofit organization's IRS determination letter must accompany

## RESOURCE & CONSERVATION

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing Licensing****Docket No. 13-0104-0601**  
**PENDING RULE**

the application. (7-17-06)T

**c.** The application shall include the signature of a qualified and licensed physician stating the applicant has a life threatening medical condition. (7-17-06)T

**06. Fees.** All fees associated with applying for and receiving a special needs permit/tag shall be waived. (7-17-06)T

**07. Hunters with Disabilities Permit Fees.** All fees associated with applying for or receiving a Handicapped Persons Motor Vehicle Hunting Permit or a Handicapped Archery Permit by the recipient of a special needs permit/tag are waived. (7-17-06)T

**08. Application of Big Game Rules.** All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders of a special needs big game tag. (7-17-06)T

**901. -- 999. (RESERVED).**

# **RESOURCE & CONSERVATION**

## **IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

### **13.01.05 - FISHING CONTESTS**

**DOCKET NO. 13-0105-0601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**To allow additional fishing contests on planted trout, to correct a procedural error which occurred two years ago when the Fishing Rules were last amended, to clarify certain definitions, and to make clerical corrections and updates.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 168 through 170.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Fred Partridge (208) 287-2773.

DATED this 9th day of November, 2006.

***THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is November 21, 2005.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho

# RESOURCE & CONSERVATION

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**DEPARTMENT OF FISH & GAME**  
**Fishing Contests**

**Docket No. 13-0105-0601**  
**PENDING RULE**

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Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To allow additional fishing contests on planted trout, to correct a procedural error which occurred two years ago when the Fishing Rules were last amended, to clarify certain definitions, and to make clerical corrections and updates.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit to anglers and fishing contest contestants.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to set the 2006-2007 fishing seasons, meet printing schedules for the Fishing Season Brochure, and the lack of an identifiable group to represent the many different tournament anglers.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Fred Partridge (208) 287-2773.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 21st day of August, 2006.

W. Dallas Burkhalter



# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Fishing Contests

Docket No. 13-0105-0601  
PENDING RULE

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Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

### *THE FOLLOWING IS THE TEXT OF THE PENDING RULE*

#### **000. LEGAL AUTHORITY.**

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-901, Idaho Code, to adopt rules concerning fishing and fishing contests. (11-21-05)T

#### **001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited in full as IDAPA 13.01.05.000, et seq., Idaho Fish and Game Commission Rules, IDAPA 13.01.05, “Rules Governing Fishing Contests.” (11-21-05)T

**02. Scope.** These rules establish the permit requirements, allowable species, types of contest, and reporting requirements for fishing contests. (11-21-05)T

#### **002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (11-21-05)T

#### **003. ADMINISTRATIVE APPEALS.**

All contested cases shall be governed by the provisions of IDAPA 13.01.01, “Rules of Practice and Procedure of the Idaho Fish and Game Commission.” (11-21-05)T

#### **004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (11-21-05)T

#### **005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (11-21-05)T

#### **0006. -- 009. (RESERVED).**

#### **010. DEFINITIONS.**

**01. Catch-and-Release Contest.** Any fishing contest where the contest rules require specific procedures to keep target species of fish alive and healthy and require that all fish caught by participants be released back into the contest water on the same day they were captured.

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Fishing Contests

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Docket No. 13-0105-0601  
PENDING RULE

(7-1-93)

**02. Fishing Contest.** Any fishing event, ~~where the participants pay an entry fee or where a prize is offered to participants based on the capture of an individual fish or the size or number of fish captured~~ which is based on the capture of an individual fish or the size or number of fish and total prize value is greater than one thousand dollars (\$1,000); or the individual entry fee is greater than twenty-five dollars (\$25); or the number of boats is greater than ten (10) or the number of individual contestants is greater than twenty (20); or there is a live fish weigh-in.

~~(7-1-93)~~(11-21-05)T

**03. Harvest Contest.** Any fishing contest where the contest rules do not require participants keep all target species of fish alive and healthy and release the fish back into contest waters, but allow participants to harvest or kill the fish.

(7-1-93)

**011. -- 099. (RESERVED).**

### 100. PERMITS.

**01. General.** No person, organization, club, business, partnership, corporation, or other entity may sponsor a fishing contest whereby an entrance fee is charged or any prize is offered without having first obtained a fishing contest permit from the Idaho Department of Fish and Game. No permit will be issued for a harvest contest for the fish listed below. The Director may issue a permit for a catch-and-release contest for these species if he determines that there will be no harm to that fishery resource in the particular water where the contest is to take place:

(7-1-93)

- a. Bull trout, *Salvelinus confluentus*; (7-1-93)
- b. White sturgeon, *Acipenser ~~thirty~~ transmontanus*; ~~(7-1-93)~~(11-21-05)T
- c. Cutthroat trout, *Oncorhynchus clarki*; (7-1-93)
- d. Arctic grayling, *Thymallus arcticus*; and (7-1-93)
- e. Wild native trout in any streams. ~~(7-1-93)~~(11-21-05)T

**02. Applications for Fishing Contest Permits.** Application for fishing contest permits shall be made on a form prescribed by the Department. The application must be submitted at least thirty (30) days prior to a catch-and-release contest and ninety (90) days prior to a harvest contest. The application shall include:

(7-1-93)

- a. Name and address of the sponsor; (7-1-93)
- b. Name of the body of water or waters where the contest will take place, including second preference location if applicable; (7-1-93)
- c. Target species; (7-1-93)

## **RESOURCE & CONSERVATION**

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**DEPARTMENT OF FISH & GAME**  
**Fishing Contests****Docket No. 13-0105-0601**  
**PENDING RULE**

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- d.** Whether the contest is catch-and-release or harvest; (7-1-93)
- e.** Procedures to be used to ensure fish will be returned pursuant to Department requirements in a catch-and-release contest or to ensure that fishing will cease when the bag or possession limit is reached in a harvest contest; (7-1-93)
- f.** Location and time of start and check-in; (7-1-93)
- g.** Date(s) of contest; (7-1-93)
- h.** Estimated number of participants; (7-1-93)
- i.** Entry fee; (7-1-93)
- j.** Description and value of prizes or awards; and (7-1-93)
- k.** Signature of the applicant, or a person authorized to sign on behalf of an applicant organization. (7-1-93)

# **RESOURCE & CONSERVATION**

## **IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

### **13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME IN THE STATE OF IDAHO**

**DOCKET NO. 13-0108-0601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), 36-408, and 36-1101, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**Simplify the understanding of weapon type opportunities; address concerns of handicapped archers; implement new outfitter allocation; address elk depredations in eastern Idaho; add an additional unit (Unit 69) to the Motor Vehicle Restriction Rule; lengthen the controlled hunt application period for deer, elk, antelope, and fall black bear; and clarify and correct hunt descriptions.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 172 through 192.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brad Compton (208) 287-2756.

DATED this 9th day of November, 2006.

***THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is March 10, 2006.

# RESOURCE & CONSERVATION

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing the Taking of Big Game Animals****Docket No. 13-0108-0601**  
**PENDING RULE**

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**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b), 36-408, and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**Simplify the understanding of weapon type opportunities; address concerns of handicapped archers; implement new outfitter allocation; address elk depredations in eastern Idaho; add an additional unit (Unit 69) to the Motor Vehicle Restriction Rule; lengthen the controlled hunt application period for deer, elk, antelope, and fall black bear; and clarify and correct hunt descriptions.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

**The temporary rule confers a benefit to outfitters, handicapped archers, and hunters.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2006 hunting seasons, and the lack of an identifiable group to represent the various interests.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Brad Compton (208) 287-2756.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

# RESOURCE & CONSERVATION

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing the Taking of Big Game Animals**

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**Docket No. 13-0108-0601**  
**PENDING RULE**

DATED this 21st day of August, 2006.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**260. PERMITS FOR CONTROLLED HUNTS.**

**01. Use of Controlled Hunt Permits.** No person may hunt in any controlled hunt without having a valid controlled hunt permit in possession. (7-1-93)

**a.** A controlled hunt area with an “X” suffix is an extra tag hunt. (10-26-94)

**b.** In the event a permit is issued based on erroneous information, the permit will be invalidated by the Department and may NOT be used. The Department will notify the permittee of the invalidation of the permit. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (7-1-93)

**c.** Any person who receives a controlled hunt permit and tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT the holder of a deer controlled hunt permit and tag may purchase a tag for and hunt in an extra tag hunt, or controlled hunt permit/extra tag hunt for deer. (3-20-97)

**d.** Any person who receives a combination controlled hunt permit/extra tag for deer may hunt in any other deer hunt--archery, muzzleloader, general or controlled hunt. (7-1-93)

**e.** Any person who receives a controlled hunt permit for elk is prohibited from hunting in any other elk hunt--archery, muzzleloader, or general; EXCEPT a controlled hunt permit holder may purchase a tag for and hunt in an extra tag hunt for elk. (7-1-93)

**f.** Any person who receives a combination controlled hunt permit/tag for antelope is prohibited from hunting in any archery antelope hunt. The holder of an antelope combination controlled hunt permit/extra tag may apply for a combination controlled hunt permit/tag for antelope or may purchase a tag for an archery antelope hunt. (7-1-93)

**g.** Any person who receives a spring controlled hunt permit for black bear is prohibited from hunting in any other spring bear hunt - April 15 to June 30. (7-1-99)

**h.** Any person who receives a fall controlled hunt permit for black bear is prohibited from hunting in any other fall bear hunts -- September 15 to October 31. (10-26-94)

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing the Taking of Big Game Animals

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Docket No. 13-0108-0601  
PENDING RULE

### 02. Nonresident Permit Limitations. (3-20-04)

a. In controlled hunts with ten (10) or fewer permits, not more than one (1) nonresident permit will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) permits, not more than ten percent (10%) of the permits will be issued to nonresidents. This rule shall be applied to each uniquely numbered controlled hunt and to the controlled hunts for each species. (4-6-05)

b. Outfitter allocated hunts are exempt from the limitation of Subsection 260.02.a. (3-20-04)

c. For each species, the total number of outfitter allocated controlled hunt permits shall be subtracted from the result of ten percent (10%) of the sum of all controlled hunt permits; including outfitter allocated controlled hunts, but excluding all unlimited controlled hunts. In addition to the limitations of Subsection 260.02.a., the resulting net number shall be the maximum number of controlled hunt permits that may be issued to nonresidents for all controlled hunts except outfitter allocated and unlimited controlled hunts. (3-20-04)

03. **Eligibility.** Any person possessing a valid Idaho hunting license is eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

a. Holders of a Nongame Hunting License (Type 208) may not apply for any controlled hunt. (4-6-05)

b. Any person whose name was drawn on a controlled hunt for either sub-species of bighorn sheep may not apply for any bighorn permit for two (2) years. Any person whose name was drawn on a controlled hunt for mountain goat may not apply for a mountain goat permit for two (2) years. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Any person whose name was drawn on a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of permits nor Landowner Preference Permits. EXCEPT all successful and unsuccessful antelope, deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled antelope/deer/elk tags to hunt in any open general and/or controlled antelope, deer or elk hunt in the following hunting season. (3-15-02)

c. Any person applying for a bighorn sheep, mountain goat, or moose controlled hunt may NOT apply for any other controlled hunt in the same year EXCEPT Unlimited Controlled Hunts, a controlled black bear hunt, or a designated depredation or extra tag hunt for deer, elk or antelope. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in first-come, first-served deer, elk and antelope controlled hunt permit sales. (10-26-94)

d. Any person who has killed a California bighorn ram, Rocky Mountain bighorn ram or a moose on any controlled hunt may not apply for a permit for the same subspecies, EXCEPT

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing the Taking of Big Game Animals

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any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram permit for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram permit for any hunt south of Interstate Highway 84. Auction tag and lottery tag winners are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep of either subspecies.

(4-5-00)

**e.** No person applying for a Rocky Mountain bighorn sheep controlled hunt as a first choice shall apply for a California bighorn sheep controlled hunt as a second choice. No person applying for a California bighorn sheep controlled hunt as a first choice shall apply for a Rocky Mountain bighorn sheep controlled hunt as a second choice. No person shall apply for both a Rocky Mountain and a California bighorn the same year.

(7-1-93)

**f.** Any person who kills a bighorn ewe may not apply for another bighorn ewe controlled hunt permit for five (5) years. The harvest of a bighorn ewe does not make the permittee ineligible to apply for a permit to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe may not apply for any bighorn ram the same year.

(7-1-93)

**g.** Any person who has killed a mountain goat since 1977 may not apply for a mountain goat permit.

(7-1-93)

**h.** Any person who has killed an antlered moose in Idaho may not apply for a moose permit for antlered moose, and any person who has killed an antlerless moose in Idaho may not apply for a permit for antlerless moose EXCEPT that any person may apply for permits remaining unfilled after the controlled hunt draw.

(4-11-06)

**i.** Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature.

(7-1-98)

**j.** Any person may apply for both a controlled hunt permit/tag and a controlled hunt permit/extra tag.

(7-1-93)

**k.** Nonresident hound hunters applying for controlled black bear hunts must first obtain a Hound Hunter Permit pursuant to IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs".

(7-1-99)

**l.** Any person applying for an outfitter allocated controlled hunt must have a written agreement with the outfitter before submitting the controlled hunt application.

(4-11-06)

**04. Applications.** Individual applications or group applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee



# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing the Taking of Big Game Animals

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PENDING RULE

will be declared void and will not be entered in the drawing. All applications will be considered final; they may not be resubmitted after correction. (10-26-94)

- a. Spring black bear - Application period - January 15 - February 15. (4-6-05)
- b. Moose, bighorn sheep, and mountain goat - Application period for first drawing - April 1 - 30. (4-6-05)
- c. Deer, elk, antelope and fall black bear - Application period for first drawing - May 1 - ~~31~~ June 5. ~~(4-6-05)~~(3-10-06)T
- d. Moose, bighorn sheep, and mountain goat - Application period for second drawing, if applicable - June 15 - 25. (4-6-05)
- e. Deer, elk, antelope, and fall black bear - Application period for second drawing - August 5 - 15. (4-6-05)

**05. Applicant Requirements.** Applicants must comply with the following requirements: (7-1-93)

- a. Only one (1) application, per person or group, will be accepted for the same species, EXCEPT a person or group may submit one additional application for a controlled hunt permit/extra tag for the same species. Additional applications for the same person or group for the same species will result in all applicants being declared ineligible. (10-26-94)
- b. Only one (1) controlled hunt permit/extra tag will be issued for each person on any application submitted. (10-26-94)
- c. Several applications may be submitted in a single envelope so long as each application is for a single species, a single applicant or group, and both hunts on an application must be controlled hunt permit/tag hunts or controlled hunt permit/extra tag hunts. (10-26-94)
- d. Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is set by Section 36-416, Idaho Code, per person per hunt, for deer, elk, antelope, moose, bighorn sheep, mountain goat, black bear, and lion, applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, antelope, black bear, or mountain lion. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee with their application. Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will receive a permit tag in the mail. (4-6-05)
- e. Any controlled hunt permits, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold forty five (45) days following the close of each respective controlled hunt drawing by any Point-of-Sale vendor on a first-come, first-served basis UNLESS such day is a Sunday, in which case the permits will go on sale the next legal business day. A controlled hunt permit and tag will be issued to successful applicants. The ten

# RESOURCE & CONSERVATION

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## **DEPARTMENT OF FISH & GAME** **Rules Governing the Taking of Big Game Animals**

**Docket No. 13-0108-0601**  
**PENDING RULE**

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percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (3-15-02)

**f.** A “group application” for deer, elk, and antelope is defined as two, three, or four (2, 3, or 4) hunters applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (10-26-94)

**g.** A “group application” for moose, bighorn sheep, mountain goat, and black bear is defined as two (2) hunters applying for the same controlled hunt on the same application. Both hunters must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. (10-26-94)

**h.** If a group application exceeds the number of permits available in a hunt that group application will not be selected for that hunt. (7-1-98)

**i.** Landowner permission hunt permits will be sold first-come, first-served basis at the Nampa, McCall and Headquarters offices of the Idaho Department of Fish and Game after July 15. (7-1-98)

### **06. Refunds of Controlled Hunt Fees.** (7-1-93)

**a.** Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise. (3-20-97)

**b.** Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

**c.** Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

**d.** Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. (7-1-93)

**07. Controlled Hunt Drawing.** Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing, provided the second choice hunt applied for has not been filled. (7-1-93)

**08. Unclaimed Permits.** Successful applicants for the first deer, elk, black bear, or antelope controlled hunt drawing must purchase and pick up their controlled hunt permit and tag by August 1. All controlled hunt tags and permits not purchased and picked up will be entered into a second controlled hunt drawing. Any controlled hunt tags and permits left over or unclaimed after the second controlled hunt drawing will be sold on a first-come, first-served

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basis. (4-6-05)

## **(BREAK IN CONTINUITY OF SECTIONS)**

### **410. UNLAWFUL METHODS OF TAKE.**

No person shall take big game animals as outlined in this section. (7-1-93)

#### **01. Firearms. (7-1-93)**

**a.** With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)

**b.** With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)

**c.** With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)

**d.** With a fully automatic firearm. (10-26-94)

**e.** With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope. (3-30-01)

#### **02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives. (3-20-97)**

**a.** With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)

**b.** With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-20-97)

**c.** With any chemicals or explosives attached to the arrow or bolt. (7-1-93)

**d.** With arrows or bolts having expanding broadheads. (7-1-93)

**e.** With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)

**f.** With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow. (3-30-01)

**g.** With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)

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- h. With any compound bow with more than sixty-five percent (65%) let-off. (7-1-93)
- i. With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than four hundred (400) grains. (3-20-97)
- j. With an arrow less than twelve (12) inches from the broadhead to the nock inclusive. (3-30-01)
- k. With an arrow wherein the broadhead does not proceed the shaft and nock. (3-30-01)
- l. During an ARCHERY ONLY season, with any firearm, crossbow (except ~~disabled archers~~ holders of handicapped archery permits), or other implement other than a longbow, compound bow, or recurve bow, or: ~~(3-20-97)~~(3-10-06)T
- i. With any device attached that holds a bow at partial or full draw (except holders of handicapped archery permits). ~~(7-1-93)~~(3-10-06)T
- ii. With any bow or crossbow equipped with magnifying sights. (3-20-97)
- m. During a TRADITIONAL ARCHERY ONLY season, with any firearm, crossbow, or other implement other than a longbow or recurve bow, or: (3-15-02)
- i. With an arrow not constructed of wood or fletched with non-natural material. (3-15-02)
- ii. With any bow equipped with sights. (3-15-02)
- n. With any crossbow pistol. (3-20-97)
- 03. Muzzleloaders.** (7-1-93)
- a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
- b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
- c. During a MUZZLELOADER ONLY season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)
- i. Is at least forty-five (.45) caliber for deer, antelope or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)
- ii. Is capable of being loaded only from the muzzle. (7-1-93)
- iii. Is equipped only with open or peep sights. (7-1-93)

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- iv. Is loaded only with black powder or, Pyrodex or other synthetic black powder. (3-20-97)
- v. Is equipped with no more than two (2) barrels. (7-1-93)
- vi. Is loaded only with a projectile of at least four hundred twenty-eight (.428) caliber. (3-20-97)
- vii. Is equipped only with flint, musket cap, or percussion cap. (4-6-05)
- d.** During a TRADITIONAL MUZZLELOADER ONLY season, with any firearm other than a muzzleloader rifle or musket with an exposed hammer that pivots: (3-15-02)
  - i. Is loaded only with loose black powder or Pyrodex. (3-15-02)
  - ii. Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed. (4-11-06)
- 04. Short-Range Weapon.** During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)
  - a.** With any shotgun using any slug or double-aught (#00) or larger buckshot. (7-1-99)
  - b.** With any muzzleloader that is at least forty-five (0.45) caliber for deer, antelope, or mountain lion or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-99)
  - c.** With any bow having a peak draw weight of not less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (7-1-99)
- 05. Other.** (7-1-93)
  - a.** With electronic calls EXCEPT for the hunting of mountain lions in Units 41, 42 and that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486. (3-15-02)
  - b.** With any bait including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals". (3-30-01)
  - c.** With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.15, "Rules Governing the Use of Dogs". (7-1-93)

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d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)

e. Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule shall not apply to domestic cervidae which are lawfully privately owned elk, fallow deer, or reindeer. (4-6-05)

### (BREAK IN CONTINUITY OF SECTIONS)

#### 412. MOTORIZED VEHICLE USE RESTRICTION UNITS.

The motorized vehicle use restriction applies to areas and hunts in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 45, 47, 48, 50, 51, 52, 53, 56, 58, 59A, 66, 69, 70, 72 (late season), 73, 75, 77, and 78. The specific hunts and areas with a motorized vehicle use restriction are identified in the Commission's Big Game Season Proclamation, which is published in a brochure available at department offices and license vendors. ~~(4-11-06)~~(3-10-06)T

### (BREAK IN CONTINUITY OF SECTIONS)

#### 600. GAME MANAGEMENT UNIT BOUNDARY DESCRIPTIONS.

01. **Unit 1.** All of BOUNDARY COUNTY and that portion of BONNER COUNTY north of the Pend Oreille River, Pend Oreille Lake and Clark Fork River. MYRTLE CREEK AND DAVID THOMPSON GAME PRESERVES - CLOSED. (7-1-93)

02. **Unit 2.** Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington State line and the north bank of the Pend Oreille River, then east along the Pend Oreille River to Pend Oreille Lake at the railroad trestle in the southeast corner of the City of Sandpoint, then south across the railroad trestle, then east and south along the western shore line of Pend Oreille Lake to the south boundary ~~fence~~ of Farragut State Park, then west along the boundary ~~fence~~ to State Highway 54 at the west entrance to Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Lake Coeur d'Alene at the source of the Spokane River, then west along the southern bank of the Spokane River to the Idaho-Washington State line, then north along the state line to the point of beginning. FARRAGUT STATE PARK and FARRAGUT WMA, CLOSED EXCEPT TO ARCHERY AS ALLOWED BY COMMISSION PROCLAMATION. ~~(7-1-93)~~(3-10-06)T

03. **Unit 3.** Those portions of KOOTENAI, SHOSHONE, and BENEWAH COUNTIES within the following boundary: beginning at Mission Point on the St. Joe River and State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest

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along Forest Service Road 209 ~~then north along Forest Road 385~~ to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then west along the lake shore to the south boundary ~~fence~~ of Farragut State Park, then west along the boundary ~~fence~~ to State Highway 54 at the west entrance of Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, the point of beginning. ~~(3-20-97)(3-10-06)T~~

**04. Unit 4.** Those portions of BONNER, KOOTENAI, and SHOSHONE COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southeast along the state line to the watershed divide between the Coeur d'Alene and St. Joe Rivers, then west along the divide to State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 ~~then north along Forest Road 385~~ to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northeast along the divide to the point of beginning. ~~(3-20-97)(3-10-06)T~~

*There are No Changes to Subsections 600.05 Through 600.99*

### (BREAK IN CONTINUITY OF SECTIONS)

#### 700. CONTROLLED HUNT AREA DESCRIPTIONS -- DEER.

**01. Hunt Area 1.** All of Unit 1 ~~excluding the Kootenai River drainage.~~ ~~(4-5-00)(3-10-06)T~~

**02. Hunt Area 8X.** All of Unit 8. (3-10-06)T

**03. Hunt Area 8AX.** That portion of Unit 8A within one mile of private land. (For purposes of this hunt, "private land" does not include corporate timberlands). (3-10-06)T

**024. Hunt Area 10AX.** That portion of Unit 10A ~~west of the Clearwater National Forest boundary, south of Forest Service Road 250, west of State Highway 11 north of Pierce and south of the Grangemont county road~~ within one (1) mile of private land. (For purposes of this hunt, "private land" does not include corporate timberlands). ~~(7-1-98)(3-10-06)T~~

**035. Hunt Area 11.** All of Unit 11. (10-26-94)

**046. Hunt Areas 11A ~~and 11AX-1.~~** All of Unit 11A. ~~(3-15-02)(3-10-06)T~~

**05. Hunt Area 11AX-2.** That portion of Unit 11A south of State Highway 162 and east

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*of State Highway 7.*

*(3-15-02)*

07. **Hunt Area 11AX.** All of Unit 11A and that portion of Unit 14 north and west of U.S. Highway 95 and Whitebird Creek.

(3-10-06)T

**068. Hunt Area 13.** All of Unit 13.

(7-1-99)

**079. Hunt Area 14.** All of Unit 14.

(7-1-99)

**10. Hunt Area 15X.** The western portions of Units 15 and 16 outside of and up to one mile inside the National Forest System Boundary. The National Forest System Boundary is a legislatively set boundary - it is not necessarily the boundary of Forest Service property. Please refer to a US Forest Service map for the location of this boundary.

(3-10-06)T

~~**0811. Unit Hunt Area 18.**~~ All of Unit 18.

~~(7-1-99)~~(3-10-06)T

~~**09. Hunt Area 16X.** That portion of Unit 16 south of the Selway River, and west of the O'Hara Creek Road (Forest Service Road 651), and that portion of Unit 15 north of the following boundary: Beginning at the junction of the South Fork Clearwater River with Forest Service Road 244, then east along Forest Service Road 244 to Forest Service Road 1106, then east along Forest Service Road 1106 to its junction with Forest Service Road 284.~~

~~(3-30-01)~~

**102. Hunt Area 19A.** All of Unit 19A.

(3-15-02)

**143. Hunt Area 20A.** All of Unit 20A.

(4-5-00)

**124. Hunt Area 21.** All of Units 21, ~~21A,~~ 28, ~~29, 30, 37, and 37A~~ 36, 36A, and 36B.

~~(3-30-01)~~(3-10-06)T

**15. Hunt Area 21-1.** Private land within Units 21, 21A, 28, 29, 30, 30A, 36A, 36B, 37, and 37A.

(3-10-06)T

**136. Hunt Area 22.** All of Unit 22.

(3-30-01)

**147. Hunt Area 23.** All of Unit 23.

(10-26-94)

**18. Hunt Area 23X.** That area of Unit 23 outside the National Forest System Boundary and within the Little Salmon River drainage, upstream from and including the Boulder Creek drainage on the west side of the Little Salmon River; and upstream from but excluding the Hazard Creek drainage on the east side of the Little Salmon River.

(3-10-06)T

**159. Hunt Area 25.** All of Unit 25.

(7-1-93)

~~**1620. Hunt Area 26.**~~ All of unit 26.

(4-5-00)

~~**1721. Hunt Area 27.**~~ All of Unit 27.

(4-5-00)

~~**18. Hunt Area 29.** All of Units 29, 37, and 37A.~~

~~(7-1-99)~~



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- ~~1922.~~ **Hunt Area 31.** All of Unit 31. (3-30-01)
- ~~203.~~ **Hunt Area 32.** All of Unit 32. (3-30-01)
- ~~214.~~ **Hunt Area 32A.** All of Unit 32A. (3-30-01)
- ~~225.~~ **Hunt Areas 33.** All of Units 33 and 35, and that portion of Unit 34 south and west of the Landmark Stanley Road. (3-15-02)
- ~~26.~~ **Hunt Area 37.** All of Units 37 and 37A. (3-10-06)T
- ~~237.~~ **Hunt Area 39-1.** All of Unit 39. (3-15-02)
- ~~248.~~ **Hunt Area 39-2.** All of Unit 39 EXCEPT that portion of Unit 39 south and east of the Black's Creek Road and south of the South Fork of the Boise River. ~~(3-30-01)~~(3-10-06)T
- ~~259.~~ **Hunt Area 39-3.** That portion of Unit 39 within the following boundary: Beginning at a point four hundred (400) yards north of State Highway 21 at the Ada County Line, south and west on a line four hundred (400) yards north of State Highway 21 to Warm Springs Avenue, and west on a line four hundred (400) yards north of Warm Springs Avenue to the Highlands-Table Rock powerline, north and west on the Highlands-Table Rock powerline to State Highway 55, north on Highway 55 to the Ada County Line, and southeast on the Ada County Line to the point of beginning. (4-5-00)
- ~~2630.~~ **Hunt Areas 40-1~~and 40-3~~.** All of Unit 40. ~~(3-30-01)~~(3-10-06)T
- ~~2731.~~ **Hunt Area 40-2.** All of Units 40, 41, and 42. (4-5-00)
- ~~2832.~~ **Hunt Area 41.** All of Unit 41. (3-30-01)
- ~~2933.~~ **Hunt Areas 42-1~~and 42-2~~.** All of Unit 42. ~~(3-30-01)~~(3-10-06)T
- ~~304.~~ **Hunt Area 43-~~1~~.** All of Unit 43. ~~(3-30-01)~~(3-10-06)T
- ~~315.~~ **Hunt Area 44-1.** All of Unit 44. (3-30-01)
- ~~326.~~ **Hunt Area 44-2.** All of Units 44, 45, and 52 ~~EXCEPT that portion of Unit 45 within the following boundary: Beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (9.5 miles north of Bliss), then west along the two-pole powerline to U.S. Highway 20 (milepost 102.3), then southwest on U.S. Highway 20 to Mountain Home, then south on State Highway 51 to the Snake River, then upstream on the Snake River to the Malad River, then upstream on the Malad River to U.S. Highway 30, then northwest on U.S. Highway 30 to Bliss, the point of beginning.~~ (3-15-02)(3-10-06)T
- ~~337.~~ **Hunt Area 45-1.** ~~All of Unit 45, point of beginning.~~ That portion of Unit 45 west of the Bliss-Hill City Road. ~~(3-15-02)~~(3-10-06)T

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~~348.~~ **Hunt Area 45-2.** All of Unit 45, ~~EXCEPT that portion of Unit 45 within the following boundary: Beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (nine point five (9.5) miles north of Bliss), then west along the two-pole powerline to U.S. Highway 20 (milepost 102.3), then southwest on U.S. Highway 20 to Mountain Home, then south on State Highway 51 to the Snake River, then upstream on the Snake River to the Malad River, then up the Malad River to U.S. Highway 30, then northwest on U.S. Highway 30 to Bliss, the point of beginning.~~ (3-15-02)(3-10-06)T

~~359.~~ **Hunt Area 45-3.** That portion of Unit 45 ~~within the following boundary: Beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (9.5 miles north of Bliss), then west along the two-pole powerline to U.S. Highway 20 (milepost 102.3), then southwest on U.S. Highway 20 to Mountain Home, then south on State Highway 51 to the Snake River, then upstream on the Snake River to the Malad River, then upstream on the Malad River to U.S. Highway 30, then northwest on U.S. Highway 30 to Bliss, the point of beginning east of the Bliss-Hill City Road.~~ (3-15-02)(3-10-06)T

~~3640.~~ **Hunt Area 46.** All of Units 46, 47, 54, 55, and 57. (3-15-02)

~~3741.~~ **Hunt Area 47-1.** All of Unit 47. (7-1-98)

~~3842.~~ **Hunt Area 47-2.** All of Units 46 and 47. (10-26-94)

~~3943.~~ **Hunt Area 48.** All of Unit 48. (10-26-94)

~~404.~~ **Hunt Area 49.** All of Unit 49. (10-26-94)

~~41.~~ ~~**Hunt Area 50X.** All of Units 50, 51, 58, 59, 59A, 60, 60A, 61, 62, 62A, 63, 63A, 64, 65, 66, 67, and 69.~~ (4-5-00)

~~425.~~ **Hunt Area 50-1.** That portion of Unit 50 west of U.S. Highway 93. (3-30-01)

~~436.~~ **Hunt Area 50-2.** All of Unit 50. (7-1-98)

~~447.~~ **Hunt Area 51.** All of Unit 51 and that portion of Unit 50 east of U.S. Highway 93. (3-30-01)

~~458.~~ **Hunt Area 52.** All of Unit 52. (3-30-01)

~~469.~~ **Hunt Area 52A.** All of Unit 52A. (Caution: See Craters of the Moon closure.) (7-1-93)(3-10-06)T

~~4750.~~ **Hunt Area 54.** All of Unit 54. (3-30-01)

~~4851.~~ **Hunt Area 55.** All of Unit 55. Most of the City of Rocks National Reserve is open to hunting. Information about hunting within the Reserve is available to permittees at Department IDFG offices and at the National Park Service office in Almo. (3-30-01)(3-10-06)T

~~4952.~~ **Hunt Area 56.** All of Unit 56. (10-26-94)

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- 503.** Hunt Area 57. All of Unit 57. (3-30-01)
- 514.** Hunt Area 58. All of Units 58, 59, and 59A. (3-15-02)
- 52.** ~~Hunt Area 59. All of Units 59 and 59A.~~ (3-30-01)
- 535.** Hunt Area 60-1. All of Units 60, ~~61, and~~ 62A, and that portion of Unit 60A beyond one (1) mile north and west of the North (Henry's) Fork of the Snake River. (7-1-98)(3-10-06)T
- 546.** Hunt Area 60-4-2. ~~That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road) and beyond one (1) mile north and west of the North (Henry's) Fork of the Snake River.~~ All of Units 60, 61, and 62A. (3-30-01)(3-10-06)T
- 57.** Hunt Area 60X. All of Units 60, 60A, 62, 63, 63A, 64, 65, 66, 67, and 69. (3-10-06)T
- 558.** Hunt Area 61. All of Unit 61. (3-20-97)
- 562.** Hunt Area 62. All of Unit 62. (3-15-02)
- 57.** ~~Hunt Area 63. All of Unit 63.~~ (7-1-99)
- 58.** ~~Hunt Area 63A. All of 63A.~~ (7-1-99)
- 5960.** Hunt Area 64. All of Unit 64 and that portion of Unit 67 north and east of State Highway 26. (7-1-99)
- 60.** ~~Hunt Area 65X. All of Unit 65.~~ (7-1-98)
- 61.** Hunt Area 66. All of Unit 66. (3-30-01)
- 62.** Hunt Area 67. That portion of Unit 67 north and west of State Highway 31. (3-10-06)T
- 623.** Hunt Area 68A. All of Unit 68A. (3-20-97)
- 634.** Hunt Area 69-1. ~~That portion of Unit 69 north and east of the Grays Lake-Long Valley-Bone-Iona Road.~~ All of Unit 69. (7-1-98)(3-10-06)T
- 645.** Hunt Area ~~69-270.~~ All of Units ~~69~~ 56, 70, 73, 73A, and 78. (7-1-98)(3-10-06)T
- 65.** ~~Hunt Area 72. All of Unit 72.~~ (3-20-97)
- 66.** Hunt Area 75. All of Unit 75, 77, and 78. EXCEPT the private land in Unit 75 east and north of the Bear River is CLOSED. (3-15-02)

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### 701. CONTROLLED HUNT AREA DESCRIPTIONS - ELK.

**01. Hunt Area 1.** That portion of Unit 1 within the Priest River Drainage and within the Pend Oreille River drainage downstream from Priest River. (3-10-06)T

**042. Hunt Area 4.** All of Units 4 and 7. (3-20-97)

**023. Hunt Area 8-1.** That portion of Units 8 and 8A north of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to State Highway 9, then northwest on Highway 9 to State Highway 6, then north on Highway 6 to the Unit 8A boundary. (3-30-01)

**034. Hunt Area 8-2.** That portion of Units 8 and 8A south of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast along Long Meadow Creek to Dworshak Reservoir, then east along the shoreline of Dworshak Reservoir to the Unit 8A boundary at Dent Bridge. (3-15-02)

**045. Hunt Area 10A-4.** That portion of Unit 10A west of the Clearwater National Forest boundary, south of Forest Service Road 250, south of State Highway 11 from Pierce to Weippe, and Jim Ford Creek from Weippe to its junction with the Clearwater River. (3-30-01)(3-10-06)T

**056. Hunt Area 11-1.** All of Unit 11. (3-30-01)(3-10-06)T

**07. Hunt Area 11-2.** That portion of Unit 11 within one (1) mile of cultivated fields and north and east of the follow boundary: Beginning at the Unit 11/13 boundary at the Nez Perce County/Lewis County line, then north on the Nez Perce County/Lewis County line to Soldiers Meadow Road, then west on Soldiers Meadow Road to ZaZa Road, then north on ZaZa Road to Waha Road, then north on Waha Road to Redbird Road, then west on Redbird Road to the boundary of the Craig Mountain WMA, then north and east along the Craig Mountain WMA boundary to the Snake River, then north along the Snake River to the Unit 8/11 boundary. (3-10-06)T

**068. Hunt Area 11A.** All of Unit 11A. (7-1-99)

**079. Hunt Area 13.** All of Unit 13. (3-30-01)

**0810. Hunt Area 14.** That portion of Unit 14 north of ~~the following line: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary~~ and west of the following boundary: Beginning on the Unit 14 western boundary at John Day Creek, then east along the main fork of John Day Creek to the National Forest boundary, then north along the National Forest boundary to Forest Service Road 2025 (Skookumchuck Road), then east along Forest Service Road 2025 to Forest Service Road 221, then north along Forest Service Road 221 to the Unit 14 eastern boundary. (3-30-01)(3-10-06)T

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- ~~1011.~~ **Hunt Area 18.** All of Unit 18. (3-30-01)
- ~~102.~~ **Hunt Area 19A.** All of Unit 19A. (3-30-01)
- ~~103.~~ **Hunt Area 21A.** All of Unit 21A. (~~4-5-00~~)(3-10-06)T
- ~~124.~~ **Hunt Area 22-1.** That portion of Unit 22 described as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then west on Unit 22 boundary to the Snake River, then south on the Snake River to State Highway 71, then southeast on State Highway 71 to Cambridge, then north on U.S. 95 to the point of beginning. (3-30-01)
- ~~135.~~ **Hunt Area 22-2.** That portion of Unit 22 as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then east along Unit 22 boundary to U.S. 95 to the point of beginning. (5-15-95)
- ~~146.~~ **Hunt Area 22-3.** All of Unit 22. (3-30-01)
- ~~157.~~ **Hunt Area 23-1.** All of Unit 23. (10-26-94)
- ~~168.~~ **Hunt Area 23-2.** That portion of Unit 23 within the Little Salmon River drainage, upstream from ~~but excluding the Round Valley Creek drainage on the west side of the Little Salmon River;~~ and including the Boulder Creek drainage on the west side of the Little Salmon River, and upstream from but excluding the Hazard Creek drainage on the east side of the Little Salmon River, ~~EXCEPT the Little Goose Creek drainage and the Goose Creek drainage above Little Goose Creek are CLOSED.~~ (~~3-30-01~~)(3-10-06)T
- ~~179.~~ **Hunt Area 23-3.** That portion of Unit 23 west of U.S. 95 and north of, and excluding, the Boulder Creek drainage. (3-30-01)
- ~~1820.~~ **Hunt Area 23-4.** That portion of Unit 23 which drains into the main Salmon River upstream from its confluence with the Little Salmon River to the French Creek-Burgdorf Road. (3-30-01)
- ~~1921.~~ **Hunt Area 24-1.** That portion of Unit 24 within the following boundary: Beginning at the junction of State Highway 55 and the Warm Lake Road, then east along Warm Lake Road to the Unit 24/25 boundary, then north along the Unit 24/25/19A boundary to the intersection of the Unit 24/19A/23 boundaries, then south along the Unit 24/23/32A boundary to Forest Service Road 186 at No Business Saddle, then southeast on Forest Service Road 186 to West Mountain Road, then south on West Mountain Road to Tamarack Falls Road, then east on Tamarack Falls Road to Norwood Road, then north on Norwood Road to West Roseberry Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to the

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point of beginning. EXCEPT Short Range Weapons ONLY in that portion within the following boundary: Beginning in McCall at the junction of State Highway 55 and Boydstun Street, then south on Boydstun Street to West Valley Road, then west and south along West Valley Road and West Mountain Road to Tamarack Falls Road, then east on Tamarack Falls Road to Norwood Road, then north on Norwood Road to West Roseberry Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to Farm-to-Market Road, then north on Farm-to-Market Road to Elo Road, then west on Elo Road to State Highway 55, then north on State Highway 55 to the point of beginning. ~~(3-30-01)~~(3-10-06)T

**202. Hunt Area 24-2.** That portion of Unit 24 within the following boundary: Beginning north of Cascade at the junction of State Highway 55 and Warm Lake Road, then north on Highway 55 to West Roseberry Road, then west on West Roseberry Road to Norwood Road, then south on Norwood Road to Tamarack Falls Road, then west on Tamarack Road to West Mountain Road, then north on West Mountain Road to Forest Service Road 186, then northwest on Forest Service Road 186 to No Business Saddle, then south along the Unit 24/32A unit boundary to the intersection of the Unit 24/32A/33 boundaries at Smith's Ferry, then north along the Unit 24/33/25 boundary to Warm Lake Road, then west on Warm Lake Road to the point of beginning. EXCEPT Short Range Weapons Only within the following boundary: Beginning in Donnelly at the junction of State Highway 55 and West Roseberry Road, then west on West Roseberry Road to Norwood Road, then south on Norwood Road to Tamarack Falls Road, then west on Tamarack Falls Road to West Mountain Road, then south on West Mountain Road to Cabarton Road, then north on Cabarton Road to State Highway 55, then north on State Highway 55 to the point of beginning. ~~(3-30-01)~~(3-10-06)T

**243. Hunt Area 24-3.** All of Unit 24. (4-5-00)

**224. Hunt Area 25.** All of Unit 25. (3-30-01)

**235. Hunt Area 28-1.** All of Unit 28. ~~(3-15-02)~~(3-10-06)T

**24. ~~Hunt Area 28-2.~~** ~~All of Units 28 and 36B.~~ ~~(3-15-02)~~

**256. Hunt Area 29-1.** All of Unit 29. (7-1-99)

**267. Hunt Area 29-2.** All of Units 29 and 37A. (7-1-99)

**28. Hunt Area 30.** All of Unit 30. (3-10-06)T

**279. Hunt Area 30-1.** All of Units 30, 30A, 58, 59, and 59A. (7-1-99)

**28. ~~Hunt Area 30-2.~~** ~~All of Unit 30 and that portion of Unit 21A within the Carmen Creek drainage.~~ ~~(3-30-01)~~

**2930. Hunt Area 30A.** All of Unit 30A. (3-30-01)

**301. Hunt Area 31-1.** ~~All of Unit 31.~~ That portion of Unit 31 that drains into the Snake River, upstream from and including the Grouse Creek Drainage to the U.S. Highway 95 bridge in Weiser; and that portion of Unit 31 that drains into Monroe Creek from it's mouth upstream to and

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including the Sheep Creek drainage.

~~(3-30-01)~~(3-10-06)T

**32. Hunt Area 31-2.** All of Unit 31.

(3-10-06)T

**343. Hunt Area 32-1.** That portion of Unit 32 ~~south and~~ east of the following boundary: Beginning at the ~~mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95~~ Unit 32/38 boundary at Emmett, then north on Highway 52 to the Van Dussen Road, then north on Four Mile Road to the Unit 32/32A boundary.

~~(3-15-02)~~(3-10-06)T

**34. Hunt Area 32-2.** All of Unit 32 south and east of the following boundary: Beginning at the Unit 32 boundary at Gardena, then west on the Brownlee Road to the Sweet Highway, then south to Highway 52, then south and west on Highway 52 to the Unit 32/38 boundary.

(3-10-06)T

**325. Hunt Area 32A.** All of Unit 32A.

(3-30-01)

**336. Hunt Area 33-1.** ~~That portion of Unit 33 outside of the exterior boundary of the Boise National Forest.~~ Beginning at the Unit 33 boundary on the Alder Creek Road (Forest Road 615) then west and north along the Unit 33/39 boundary to Banks, then north on the Unit 32/33 boundary to Smith's Ferry, then south on Forest Road 689 to Murray Saddle, then north along the watershed divide between the North Fork and the Middle Fork of the Payette River to Forest Road 696 (West Fork of Scriver Creek), then east on Forest Road 696 to Forest Road 693 (Scriver Creek), then south and east on Forest Road 693 to Forest Road 698 (Middle Fork Road), then south on Forest Road 698 to the Banks-Lowman Highway (Highway 17), then east on the Banks-Lowman Highway to Forest Road 615 (Alder Creek Road), then south on Forest Road 615 to the unit boundary, the point of beginning.

~~(3-30-01)~~(3-10-06)T

**347. Hunt Area 33-2.** All of Units 33 and 35 and that portion of Unit 34 south and west of the Landmark-Stanley Road.

(3-30-01)

**358. Hunt Area 36-1.** ~~All of Unit 36.~~ That portion of Unit 36 west of State Highway 75 and south of and including Redfish Lake Creek drainage.

~~(3-30-01)~~(3-10-06)T

**39. Hunt Area 36-2.** That portion of Unit 36 not included in Hunt Area 36-1.

(3-10-06)T

**40. Hunt Area 36A.** All of Unit 36A.

(3-10-06)T

**3641. Hunt Area 36A-1.** That portion of Unit 36A west of the East Fork of the Salmon River and that portion east of the East Fork of the Salmon River upstream from and including the West Pass Creek drainage.

(3-30-01)

**3742. Hunt Area 36A-2.** That portion of Unit 36A east of the East Fork of the Salmon River downstream from but EXCLUDING the West Pass Creek drainage; and that portion of Unit 50 north of Trail Creek Road and west of U.S. 93, and that portion of Unit 50 north of the

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Doublespring Pass Road east of U.S. Highway 93. ~~(3-30-01)~~(3-10-06)T

~~3843.~~ **Hunt Area 36B.** All of Unit 36B. (4-5-00)

~~3944.~~ **Hunt Area 37.** All of Unit 37. (3-30-01)

~~405.~~ **Hunt Areas 37A-~~1~~ and ~~374-2~~.** All of Unit 37A. ~~(3-30-01)~~(3-10-06)T

~~416.~~ **Hunt Area 39-1.** That portion of Unit 39 south and east of ~~the Blacks Creek Road and the South Fork of the Boise River~~ State Highway 21. ~~(7-1-98)~~(3-10-06)T

~~427.~~ **Hunt Area 39-2.** That portion of Unit 39 ~~south and east~~ north and west of State Highway 21. ~~(7-1-98)~~(3-10-06)T

~~438.~~ **Hunt Area 39-3.** That portion of Unit 39 north and west of ~~State Highway 21~~ the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin, then north on Forest Service Road 374 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain. ~~(7-1-98)~~(3-10-06)T

~~44.~~ ~~**Hunt Area 39-4.** That portion of Unit 39 north and west of the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin, then north on Forest Service Road 374 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain and that portion of Unit 32 south of State Highway 52 in Boise and Gem Counties.~~ ~~(3-30-01)~~

~~459.~~ **Hunt Area 40.** All of Units 40, ~~41~~, and 42. ~~(3-30-01)~~(3-10-06)T

~~4650.~~ **Hunt Area 43.** All of Unit 43. (3-30-01)

~~4751.~~ **Hunt Area 44-1.** All of Unit 44. ~~(3-30-01)~~(3-10-06)T

~~52.~~ **Hunt Area 44-2.** All of Units 44, 45, and 52. (3-10-06)T

~~4853.~~ **Hunt Area 45.** All of Units 45 and 52. (3-30-01)

~~4954.~~ **Hunt Area 48-1.** All of Unit 48. (3-30-01)

~~505.~~ **Hunt Area 48-2.** That portion of Unit 48 north Trail Creek and the Ketchum-Warm Springs Creek-Dollarhide Summit Road. (3-30-01)

~~516.~~ **Hunt Area 48-3.** That portion of Unit 48 south of the Ketchum-Warm Springs Creek-Dollarhide Summit Road. (3-30-01)

~~57.~~ **Hunt Area 48-4.** That portion of Unit 48 south and east of the following boundary: Beginning at the junction of the Deer Creek Road and State Highway 75, then west on the Deer Creek Road (Forest Service Road 097) to the Deer Creek Trail (Forest Service Trail 168), then west on the Deer Creek Trail to the Curran Creek Trail (Forest Service Trail 160), then southwest on the Curran Creek Trail to the Unit 44/48 boundary, and that portion of Unit 44 east of Willow Creek and south and east of Little Beaver Creek and Princess Mine Road. (3-10-06)T



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**528. Hunt Area 49.** All of Unit 49 ~~and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. The boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. Approximately 410,512 acres of the expansion will be primarily managed by the National Park Service which has stated its intention to close this area to hunting. The state of Idaho strongly opposes this action and is working to keep this area open to hunting in accordance with the language in the Presidential Proclamation which assures continued jurisdiction over wildlife by the state of Idaho. This issue remains unresolved. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting.~~ (3-15-02)(3-10-06)T

**539. Hunt Area 50-1.** That portion of Unit 50 south of the Doublespring Pass Road east of U.S. Highway 93, and that portion south of the Trail Creek Road west of U.S. Highway 93 ~~but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. The boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. Approximately 410,512 acres of the expansion will be primarily managed by the National Park Service which has stated its intention to close this area to hunting. The state of Idaho strongly opposes this action and is working to keep this area open to hunting in accordance with the language in the Presidential Proclamation which assures continued jurisdiction over wildlife by the state of Idaho. This issue remains unresolved. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting.~~ (3-15-02)(3-10-06)T

**5460. Hunt Area 50-2.** That portion of Unit 50 ~~west of U.S. 93 but EXCLUDING the North Fork and East Fork of the Big Lost River drainages, and the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. The boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. Approximately 410,512 acres of the expansion will be primarily managed by the National Park Service which has stated its intention to close this area to hunting. The state of Idaho strongly opposes this action and is working to keep this area open to hunting in accordance with the language in the Presidential Proclamation which assures continued jurisdiction over wildlife by the state of Idaho. This issue remains unresolved. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting~~ south of the Doublespring Pass Road east of U.S. Highway 93, and that portion south of the Trail Creek Road west of U.S. Highway 93 EXCLUDING the East Fork of the Big Lost River drainages and EXCLUDING south of the Antelope/Fish Creek Road. (3-15-02)(3-10-06)T

**5561. Hunt Area 50-3.** That portion of Unit 50 ~~east of U.S. Highway 93 south of the Antelope/Fish Creek Road.~~ (3-15-02)(3-10-06)T

**562. Hunt Area 51-1.** All of Unit 51 ~~including that portion of this hunt within one-half (1/2) mile inside the north and west boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) adjacent to agricultural lands.~~ (3-30-01)(3-10-06)T

**57. Hunt Area 51-2.** That portion of Unit 51 south of Wet Creek Pass Creek Road and Bell Mountain Creek, and that portion of Unit 58 south of and including Kyle Canyon drainages north and west of State Highway 22, including all the Idaho Engineering and Environmental Laboratory (INEEL) lands in Units 51 and 58 within the described boundary. (3-15-02)

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~~58. **Hunt Area 51-3.** That portion of Unit 51 south of Wet Creek Pass Creek Road and Bell Mountain Creek, and within one (1) mile of private fields on which cultivated crops are currently growing, and that portion of Unit 58 south of and including the Kyle Canyon drainage north and west of State Highway 22, including all the Idaho National Engineering and Environmental Laboratory (INEEL) lands in Units 51 and 58 within the described boundary.~~  
(3-15-02)

~~5963. **Hunt Area 52A.** All of Units 52A and 68. (Caution: See Craters of the Moon closure.)~~  
(3-15-02)(3-10-06)T

~~64. **Hunt Area 54-1.** All of Units 46, 47, 54, 55, and 57 and that portion of Unit 41 east of the West Fork Bruneau River.~~  
(3-10-06)T

~~65. **Hunt Area 54-2.** Private land within Units 46, 47, 54, 55, and 57 and private land within that portion of Unit 41 east of the West Fork Bruneau River.~~  
(3-10-06)T

~~60. **Hunt Area 56-1.** All of Units 56, 70, 71, 72, 73, 73A and 74.~~  
(3-30-01)

~~646. **Hunt Area 56-2.** All of Unit 56.~~  
(3-30-01)(3-10-06)T

~~627. **Hunt Area 58-1.** All of Unit 58, 59, and 59A.~~  
(7-1-99)

~~638. **Hunt Area 58-2.** All of Unit 58.~~  
(7-1-99)

~~649. **Hunt Area 59.** All of Units 59 and 59A.~~  
(7-1-99)

~~70. **Hunt Area 60.** All of Units 60, 60A, 61, and 62A.~~  
(3-10-06)T

~~6571. **Hunt Area 60-1.** All of Units 60, 61, and 62A, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED.~~  
(7-1-99)(3-10-06)T

~~6672. **Hunt Area 60-2.** All of Units 60, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED and 60A.~~  
(3-30-01)(3-10-06)T

~~67. **Hunt Area 60A.** That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road).~~  
(3-30-01)

~~6873. **Hunt Area 61.** All of Unit 61.~~  
(3-30-01)

~~6974. **Hunt Area 62.** That portion of Unit 62 east of the following described boundary: beginning at the junction of State Highway 33 and State Highway 32, then north on State Highway 32 to Lamont, then north on 4700 East approximately five miles to 1100 North, then west on 1100 North approximately two (2) miles to 4500 East, then north on 4500 East to Robinson Creek and that portion of Unit 65 east State Highway 33 within the National Forest boundary and that portion of Unit 65 east of State Highway 33.~~  
(3-30-01)(3-10-06)T

~~70. **Hunt Area 62A-1.** That portion of Unit 62A west of the Henrys Fork of the Snake~~

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~~River and that portion of Unit 60 south of the Microwave Tower Road and east of the powerline to its intersection with Ashton Reservoir. (7-1-99)~~

~~745. Hunt Area 62A-2. That portion of Unit 62A east of the Henrys Fork of the Snake River. All of Unit 62A. (7-1-99)(3-10-06)T~~

~~726. Hunt Area 646X. All of Units 64 and that portion of Unit 65 west of Highway 33 66 and 69. (3-30-01)(3-10-06)T~~

~~737. Hunt Area 66A. All of Units 66A and 76. (3-30-01)~~

~~78. Hunt Area 66A-1. All of Unit 66A. (3-10-06)T~~

~~74. Hunt Area 67. That portion of Unit 67 south and east of Dry Creek and south and west of Fleming Canyon. (3-15-02)~~

~~75. Hunt Area 69. That portion of Unit 69 south and west of the Gray's Lake-Long Valley-Bone-Iona Road. (4-5-00)~~

~~762. Hunt Area 70. All of Units 70, 71, 72, 73, 73A, and 74. (3-30-01)~~

~~7780. Hunt Area 73X. That portion of Unit 73 east of Interstate Highway 15, south of Two-mile Canyon-Skyline-Dry Canyon Road (Forest Service Road 053), and south and east of State Highway 36 to the Utah border. (3-15-02)(3-10-06)T~~

~~81. Hunt Area 74X. Those portions of Units 74 and 75 within the following: Beginning at the junction of Highway 34 and Central Road, west on Central Road to Mountain Road, south on Mountain Road to Gentile Road, south on Gentile Road to River Road, south on River Road to Thatcher Road, east on Thatcher Road to Highway 34, south on Highway 34 to Main Canyon Road (USFS Road 440) to the USFS boundary, north along the USFS boundary to King Canyon Road (USFS Road 183), west on King Canyon Road to the Harwood Road, south on Harwood Road to Burton Road, west on Burton Road to Highway 34 to the point of beginning. (3-10-06)T~~

~~782. Hunt Area 75. All of Units 75, 77, and 78. (3-30-01)~~

~~7983. Hunt Area 76-1. That portion of Unit 66A within the Miller and Newswander Creek drainages, the Jackknife Creek drainage east of the mouth of Squaw Creek, and east of the Cabin Creek-Haderlie Ridge Trail (Forest Service Trail 619), and that portion of Unit 76 within the following boundary: Beginning at the intersection of State Highway 34 and the Idaho-Wyoming border, then west approximately four (4) miles to the mouth of the South Fork of Tincup Creek and Forest Service Trail 014, then south up Trail 014 to the Stump Creek Road, then south and east along Stump Creek Road to the Idaho-Wyoming border, then north along the border to the junction of State Highway 34, the point of beginning All of Unit 76. (3-15-02)(3-10-06)T~~

~~804. Hunt Area 76-2 66A. That portion of unit 76 south of the Georgetown-Wells Canyon-Crow Creek Roads 66A within the Miller and Newswander Creek drainages, the Jackknife Creek drainage east of the mouth of Squaw Creek, and east of the Cabin Creek-Haderlie~~

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Ridge Trail (Forest Service Trail 619), and the following portions of Unit 76: the drainage of Salt River east and south of the South Fork of Tincup Creek, and the drainage of the Thomas Fork of the Bear River north of State Highway 89 to the Idaho-Wyoming border. (3-15-02)(3-10-06)T

**85. Hunt Area 76-3X.** Private lands and adjacent National Forest lands within one-half (1/2) mile of the eastern boundary of National Forest within the following: Unit 66A south of Miller Creek, and Unit 76 north and east of the junction of Sage Creek and Crow Creek Road to the Idaho-Wyoming border. (3-10-06)T

**86. Hunt Area 76-4X.** That portion of Unit 76 east of U.S. Highway 30 and south of the Georgetown Canyon Road and west of the Caribou National Forest boundary, and the area south of U.S. Highway 89 and north of U.S. Highway 30 between Montpelier. (3-10-06)T

**87. Hunt Area 77X.** That portion of Unit 77 east of U.S. Highway 91, south of the Cub Creek Road, and west of the Cache National Forest boundary to the Utah border. (3-10-06)T

### (BREAK IN CONTINUITY OF SECTIONS)

#### 703. CONTROLLED HUNT AREA DESCRIPTIONS -- ANTELOPE.

**01. Hunt Area 29.** ~~That portion of Unit 29 downstream from and including the Hayden Creek drainage on the west side of the Lemhi River and those drainages on the east side of the main Salmon River upstream from the mouth of the Lemhi River to, but excluding, the Poison Creek drainage~~ All of Unit 29 except the Poison Creek drainage. (3-30-01)(3-10-06)T

**02. Hunt Area 30.** All of Unit 30 and that portion of Unit 21A south and east of Carmen Creek Road. (7-1-98)(3-10-06)T

**03. Hunt Area 30A.** All of Unit 30A. (7-1-98)

**04. Hunt Area 32.** All of Units 32 and 32A (3-30-01)

**05. Hunt Area 36B.** All of Unit 36B, and that portion of Unit 28 upstream from and including the Iron Creek drainage. (3-15-02)

**06. Hunt Area 37-1.** ~~That portion of Unit 37 south of the Doublespring Pass-Goldburg Road~~ All of Unit 37 and 37A, and that part of Unit 29 in the Poison Creek drainage. (7-1-99)(3-10-06)T

**07. Hunt Area 37-2.** ~~That portion of Unit 37 north of the Doublespring Pass-Goldburg Road.~~ (7-1-99)

**08. Hunt Area 37A.** ~~That portion of Unit 37A east of the (Little) Morgan Creek Road and the north fork of (Little) Morgan Creek.~~ (3-30-01)

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21. ~~097.~~ **Hunt Area 39.** ~~All of Unit 39~~ That portion of Unit 39 south and east of Highway ~~(3-20-97)(3-10-06)T~~
- ~~408.~~ **Hunt Area 40.** All of Unit 40. (10-26-94)
- ~~409.~~ **Hunt Area 41.** That portion of Unit 41 east of State Highway 51. (10-26-94)
42. ~~120.~~ **Hunt Area 42.** That portion of Unit 41 west of State Highway 51 and all of Unit (10-26-94)
- ~~131.~~ **Hunt Area 44.** All of Unit 44 and that portion of Unit 45 within the Camas Creek drainage. (10-26-94)
- ~~142.~~ **Hunt Area 45-1.** All of Unit 45 ~~except~~ EXCLUDING that portion within the Camas Creek drainage. ~~(3-15-02)(3-10-06)T~~
- ~~13.~~ **Hunt Area 45-2.** Private land within Unit 45 EXCLUDING that portion within the Camas Creek drainage. (3-10-06)T
- ~~154.~~ **Hunt Area 46-1.** All of Unit 46. ~~(3-30-01)(3-10-06)T~~
- ~~15.~~ **Hunt Area 46-2.** Private land within Units 46 and 54 and private land within that portion of Unit 47 east of Salmon Falls Creek. (3-10-06)T
16. **Hunt Area 47.** All of Unit 47. (10-26-94)
17. **Hunt Area 49.** All of Unit 49 ~~and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. The boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. Approximately 410,512 acres of the expansion will be primarily managed by the National Park Service which has stated its intention to close this area to hunting. The state of Idaho strongly opposes this action and is working to keep this area open to hunting in accordance with the language in the Presidential Proclamation which assures continued jurisdiction over wildlife by the state of Idaho. This issue remains unresolved. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting.~~ ~~(3-15-02)(3-10-06)T~~
18. **Hunt Area 50-1.** ~~That portion~~ All of Unit 50 ~~north of Antelope Creek and west of U.S. 93. (See Craters of the Moon closure.)~~ ~~(10-26-94)(3-10-06)T~~
- ~~19.~~ **Hunt Area 50-2.** ~~That portion of Unit 50 southeast of Antelope and Pass Creeks but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of Craters of the Moon National Monument. The boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. Approximately 410,512 acres of the expansion will be primarily managed by the National Park Service which has stated its intention to close this area to hunting. The state of Idaho strongly opposes this action and is working to keep this area open to hunting in accordance with the language in the Presidential Proclamation which assures continued jurisdiction over wildlife by the state of Idaho. This issue remains unresolved. It is the hunter's responsibility to check the current status of open/closed area~~

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing the Taking of Big Game Animals

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Docket No. 13-0108-0601  
PENDING RULE

~~boundaries prior to hunting.~~ (3-15-02)

~~20. Hunt Area 50-3. That portion of Unit 50 north of Pass Creek and east of U.S. 93.~~  
(10-26-94)

~~219. Hunt Area 51-1. That portion~~ All of Unit 51 north of Badger Creek Road and north of the Wet Creek-Pass Creek Road and that portion of Unit 63 within Butte County.  
(10-26-94)(3-10-06)T

~~22. Hunt Area 51-2. That portion of Unit 51 south of Badger Creek Road and south of the Wet Creek-Pass Creek Road and that portion of Unit 63 within Butte County including that portion of this hunt area within one-half (1/2) mile inside the boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) adjacent to agricultural lands.~~ (3-30-01)

~~230. Hunt Area 52. All of Units 48 and 52.~~ (3-15-02)(3-10-06)T

~~241. Hunt Area 52A. All of Units 52A and 53. (See Craters of the Moon closure.)~~  
(3-15-02)(3-10-06)T

~~252. Hunt Area 54. All of Unit 54.~~ (3-13-96)

~~26. Hunt Area 57. All of Unit 57 and that portion of Unit 56 west of Interstate 84.~~  
(3-27-97)

~~273. Hunt Area 58. All of Unit 58 outside the Idaho National Engineering and Environmental Laboratory (INEEL) boundary.~~ (7-1-99)(3-10-06)T

~~284. Hunt Area 59. All of Units 59 and 59A.~~ (3-20-96)

~~295. Hunt Area 60A. All of Units 60 and 60A, and that portion of Unit 61 west of Hotel Creek.~~ (3-20-96)

~~3026. Hunt Area 61. That portion of Unit 61 east of Hotel Creek.~~ (10-26-94)

~~3127. Hunt Area 63-1. That portion of Unit 63 south of State Highway 33 and including that portion of this hunt area within one-half (1/2) mile inside the east boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) and which is adjacent to agricultural lands.~~ (7-1-99)(3-10-06)T

~~328. Hunt Area 63-2. That portion of Unit 63 north of State Highway 33, and including that portion of this hunt area within one-half (1/2) mile inside the boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) and which is adjacent to agricultural lands, EXCLUDING the Camas National Wildlife Refuge which is CLOSED.~~ (7-1-99)(3-10-06)T

~~3329. Hunt Area 68. All of Unit 68.~~ (10-26-94)

# **RESOURCE & CONSERVATION**

## **IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

### **13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO**

**DOCKET NO. 13-0109-0601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**Require the wearing of hunter orange when hunting on Wildlife Management Areas where pheasants are stocked to address safety issues.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 194 and 195.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:  
N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Kemner (208) 287-2748.

DATED this 9th day of November, 2006.

***THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is May 22, 2006.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho

# RESOURCE & CONSERVATION

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing the Taking of Game Birds**

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**Docket No. 13-0109-0601**  
**PENDING RULE**

Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**Require the wearing of hunter orange when hunting on Wildlife Management Areas where pheasants are stocked to address safety issues**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

**The temporary rule confers a benefit to hunters.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2006 hunting seasons, and the lack of an identifiable group to represent the different hunting interest groups.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Don Kemner (208) 287-2748.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 21<sup>st</sup> day of August, 2006.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715



# RESOURCE & CONSERVATION

**DEPARTMENT OF FISH & GAME**  
**Rules Governing the Taking of Game Birds**

**Docket No. 13-0109-0601**  
**PENDING RULE**

Fax (208) 334-2148

## ***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

### **300. UPLAND GAME BIRD METHODS OF TAKE.**

#### **01. Taking of Upland Game Birds.** No person shall take upland game birds: (7-1-93)

**a.** Except wild turkey, from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise. Pheasants shall not be taken before twelve o'clock noon on the opening day in certain counties (see Rule 11, Pheasant Seasons). Wild turkey shall not be taken between sunset and one-half (1/2) hour before sunrise. Pheasants shall not be taken before 10 a.m. after the opening day on the Fort Boise, Montour, Payette River and C.J. Strike Wildlife Management Areas. (4-6-05)

**b.** With a trap, snare, net, crossbow, or firearms EXCEPT a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, slingshot, hand-held or thrown missiles, EXCEPT forest grouse. Forest grouse shall not be taken with a trap, snare, net, or crossbow. (3-30-01)

**c.** From boats or other craft having a motor attached UNLESS the motor is completely shut off and forward progress has ceased, or if the boat is drifting naturally, or if it is propelled only by paddle, oars, or pole, or if it is beached, moored, or resting at anchor. (7-1-93)

**d.** By the use or aid of any electronic call. (7-1-93)

**e.** By the aid of baiting. Bait is defined as any substance placed to attract upland game birds. (7-1-93)

**f.** When hunting on Wildlife Management Areas where pheasants are stocked without wearing hunter orange. (5-22-06)T

**02. Wild Turkey.** In addition to the methods listed above, wild turkey may not be taken: (7-1-93)

**a.** With lead shot exceeding BB size. (7-1-93)

**b.** With steel shot exceeding T size. (7-1-93)

**c.** By the use of dogs, except during fall hunts. (3-30-01)

# **RESOURCE & CONSERVATION**

## **IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

### **13.01.11 - RULES GOVERNING FISH**

**DOCKET NO. 13-0111-0601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**Bi-annual rule review to address biological issues and angler desires, and to make the rules more easy to understand.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 198 through 204.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Fred Partridge (208) 287-2773.

DATED this 9th day of November, 2006.

***THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is November 21, 2005.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

# RESOURCE & CONSERVATION

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**DEPARTMENT OF FISH & GAME**  
**Rules Governing Fish**

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**Docket No. 13-0111-0601**  
**PENDING RULE**

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**Bi-annual rule review to address biological issues and angler desires, and to make the rules easier to understand.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

**The temporary rule confers a benefit to anglers.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2006-2007 fishing seasons, and the lack of an identifiable group to represent the various angler interests.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Fred Partridge (208) 287-2773.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 21<sup>st</sup> day of August, 2006.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing Fish

Docket No. 13-0111-0601  
**PENDING RULE**

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P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

### **THE FOLLOWING IS THE TEXT OF THE PENDING RULE**

#### **004. DEFINITIONS.**

For the purposes of this chapter, the following terms will be defined as follows: (3-20-97)

**01. Artificial Fly.** Any fly made entirely of rubber, wood, metal, glass, feather, fiber, or plastic by the method known as fly tying. (3-20-97)

**02. Artificial Lure.** Any device made entirely of rubber, wood, metal, glass, feather, fiber, or plastic with hook or hooks attached. No bait of any kind may be used with artificial lures when fishing artificial flies and lures-only waters. (3-20-97)

**03. Bag Limit.** The maximum number of fish that may be lawfully taken by any one (1) person in one (1) day. The term "bag limit" shall be construed to be an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another. The bag and possession limits are equal except for salmon and steelhead. (3-20-97)

**04. Bait.** Organic substances, other than rubber, wood, feather, fiber, or plastic, attached to a hook to attract fish. Bait includes insects, insect larvae, worms, dead fish, fish parts, any other animal or vegetable matter, or scented synthetic materials. (Live fish prohibited.) (See: Subsection 004.20 - NO BAIT.) (3-20-97)

**05. Barbless Hook.** A fish hook without barbs or on which barbs have been bent completely closed. (3-20-97)

**06. Catch-and-Release.** ~~A fishing restriction applied to a body of water requiring that all game fish, except whitefish and brook trout, must be released immediately, unharmed, back to the water. Only artificial flies or lures with one (1) barbless hook may be used in waters designated catch-and-release; bait is prohibited. It is permissible to use up to five (5) flies or lures, each with only one (1) barbless hook, per line. Whitefish and brook trout landed from catch-and-release waters may be retained in possession.~~ Effort, by permitted methods, to catch or attempt to catch a fish or species of fish is lawful, with the restriction that any fish so caught must be released immediately, unharmed, back to the water. NOTE: Species of fish not specifically listed as catch-and-release may be harvested under their appropriate limits. ~~(3-20-97)(11-21-05)T~~

**07. Closed to Harvest.** ~~Effort, by permitted methods, to catch or attempt to catch a fish or group of fish is lawful, with the restriction that any fish or group of fish so caught must be released immediately back to the water.~~ (3-20-97)

**087. Confluence of a Stream or River.** The point where two (2) rivers or streams come together. (3-20-97)

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing Fish

**Docket No. 13-0111-0601**  
**PENDING RULE**

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- 098. Electric Motors Only.** When fishing waters listed “electric motors only”, gas (internal combustion) motors may be attached to the boat; but use of the gas motor is prohibited. (3-20-97)
- 109. Fishing.** Any effort made to take, kill, injure, capture, or catch any fish, crayfish, or bullfrog. (3-20-97)
- 110. Float Tube.** A floating device that suspends a single occupant, from the seat down, in the water, and is not propelled by oars, paddles, or motors. (4-6-05)
- 121. Fly Fishing.** Fishing with a fly rod, fly reel, fly line, and artificial fly. (3-20-97)
- 132. Game Fish.** Brook, brown, bull (Dolly Varden), cutthroat, golden, lake (Mackinaw), rainbow (including steelhead), splake and sunapee trout; trout hybrids; Chinook, coho, Atlantic and kokanee (blueback) salmon; grayling; whitefish; cisco; crappie; perch; bass; catfish; bullheads; sunfish; sturgeon; northern pike; tiger muskie; walleye and sauger; and burbot (ling). Bullfrogs and crayfish are also defined as game fish. (4-6-05)
- 143. Harvest.** Reduce a fish to possession. (3-20-97)
- 154. Hook.** A bent wire device, for the catching of fish, to which one (1), two (2), or three (3) points may be attached to a single shank. Up to five (5) hooks per line may be used, except where specifically prohibited. (3-20-97)
- 165. Ice Fishing.** Fishing through an opening broken or cut through the ice. (3-20-97)
- 176. Length.** The length between the tip of the nose or jaw and the tip of the tail fin. (3-20-97)
- 187. Motor.** Includes electric and internal combustion motors. (See Subsection 004.09 - Electric Motors Only.) (3-20-97)
- 198. Mouth of River or Stream.** The place where a river or stream enters a larger body of water. (3-20-97)
- 2019. No Bait.** Requires the use of artificial flies or lures, with one (1) barbless hook ONLY per fly or lure. (3-20-97)
- 240. No Motors.** Fishing from a boat with a motor attached is prohibited. (3-20-97)
- 221. Possession Limit.** Maximum number of fish that may be lawfully in possession of any person. “Possession limit” shall apply to fish while in the field or being transported to the final place of consumption or storage. (3-20-97)
- 232. Reservoir.** The flat water level existing at any time within a reservoir basin. Unless noted otherwise, a stream flowing through the drawdown portion of a reservoir is not considered part of the reservoir. (3-20-97)

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing Fish

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**243. Season Limit.** The maximum number of fish that may be lawfully taken in any declared season. (3-20-97)

**254. Snagging.** Taking or attempting to take a fish by use of a hook or lure in any manner or method other than enticing or attracting a fish to strike with, and become hooked in, its mouth or jaw. Game fish which are hooked other than in the jaw or mouth must be released immediately. (4-6-05)

**265. Steelhead.** Rainbow trout longer than twenty (20) inches in length in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage (excluding lakes and the Lemhi and the Pahsimeroi rivers), and the Clearwater River drainage (excluding that portion above Dworshak Dam, and lakes). Rainbow trout longer than twenty (20) inches in length with the adipose fin clipped (as evidenced by a healed scar) are defined as steelhead in the Snake River from Hells Canyon Dam upstream to Oxbow Dam, and in the Boise River from its mouth upstream to Barber Dam, and in the Payette River from its mouth upstream to Black Canyon Dam during steelhead seasons. (4-6-05)

**276. Tributary.** A stream flowing into a larger stream or lake. (3-20-97)

**287. Trout.** Includes the following trout family fishes: ~~brook~~, brown, cutthroat, golden, grayling, lake (Mackinaw), rainbow, splake, Sunapee; trout hybrids; and the landlocked forms of Chinook, coho, Atlantic and kokanee (blueback) salmon. ~~(4-6-05)~~(11-21-05)T

**298. Unattended Line.** A line not under the immediate surveillance by the angler. (3-20-97)

**3029. Unprotected Nongame Fish.** All fish species other than game fish and protected ~~species of special concern~~ nongame fish. ~~(3-20-97)~~(11-21-05)T

### (BREAK IN CONTINUITY OF SECTIONS)

## 201. FISHING METHODS AND GEAR.

Unless modified by a regional exception, the following fishing methods and restrictions are applicable in all Idaho waters. (3-20-97)

**01. Archery and Spear Fishing.** Fishing with the use of bow and arrow, crossbow, spear or mechanical device, excluding firearms, is permitted for the taking of bullfrogs and unprotected nongame fish, and only in those waters during the season set for the taking of game fish. (7-1-99)

**02. Bait Restricted.** It is unlawful to fish with bait in waters designated as artificial flies and lures only, fly fishing only, or no bait, ~~or catch-and-release~~. ~~(3-20-97)~~(11-21-06)T

**03. Barbed Hooks.** It is unlawful to fish for sturgeon with barbed hooks. It is unlawful to fish for or take steelhead with barbed hooks in the Clearwater River drainage, Salmon River

# RESOURCE & CONSERVATION

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## DEPARTMENT OF FISH & GAME Rules Governing Fish

Docket No. 13-0111-0601  
PENDING RULE

drainage, and Snake River drainage below Hells Canyon Dam. It is unlawful to fish in ~~artificial flies and lures only waters, or catch-and-release~~ no bait waters with barbed hooks.

~~(3-20-97)~~(11-21-06)T

**04. Fishing Gear.** It is unlawful to fish in any waters of Idaho with more than one (1) handline or pole with a line attached, except a person with a two (2) pole validation may use two (2) poles; or with more than five (5) lines while ice fishing; or by archery, spearfishing, snagging, hands, and netting except as permitted. Not more than five (5) hooks may be attached per line. The line or lines must be attended by the person fishing. (4-6-05)

**05. Fishing Shelters.** Any enclosure or shelter which is left unattended overnight on the ice of any waters of the state shall have the owner's name, telephone numbers, and current address legibly marked on two (2) opposing sides of the enclosure or shelter. (7-1-99)

**06. Gaff Hook.** It is unlawful to land fish of any species with a gaff hook except through a hole cut or broken in the ice in waters which have no length restrictions or harvest closures for that species. (3-20-97)

**07. Molesting Fish.** It is unlawful to molest any fish by shooting at it with a firearm or pellet gun, striking at it with a club, hands, rocks, or other objects, building obstructions for catching fish, or chasing fish up or downstream in any manner. (3-20-97)

**08. Snagging.** It is unlawful to snag game fish, unless otherwise stated by Commission rules/exceptions. Snagging of unprotected nongame fish species is permitted. (3-20-97)

**09. Trapping and Seining Minnows or Crayfish.** It is lawful to take the young of unprotected nongame fish, crayfish, and yellow perch with a minnow net, seine, or up to five (5) traps, provided the seine or net does not exceed four (4) feet in length or width, and the minnow or crayfish trap does not exceed eighteen (18) inches in length or twelve (12) inches in diameter or width. If the trap is of irregular dimension, but its volume does not exceed the volume of an eighteen by twelve by twelve inches (18"x12"x12") trap, it is also lawful to use. All fish so taken must immediately be killed except where stated otherwise. All traps must have a tag attached bearing the owner's name and address. Minnows and crayfish may only be taken during the season set for the taking of game fish in those waters. (3-20-97)

**10. Use of Bait.** It is unlawful to use live fish as bait, except that live crayfish and bull frogs may be used if caught on the body of water being fished. (3-20-97)

**11. Use of Hands.** It is lawful to take bull frogs and crayfish with the hands. (3-20-97)

## 202. BAG AND POSSESSION LIMITS.

**01. Bag Limit.** Maximum number of fish that may be lawfully taken by one (1) person in one (1) day. The bag and possession limits are equal, except where listed in region exceptions and for salmon and steelhead. (3-20-97)

**02. Possession Limit.** Maximum number of fish that may be lawfully in possession of

# RESOURCE & CONSERVATION

## DEPARTMENT OF FISH & GAME Rules Governing Fish

Docket No. 13-0111-0601  
PENDING RULE

any one (1) person. Possession limit shall apply to fish while in the field or being transported. All fish that are hooked, landed and not immediately released shall be counted in the possession limit of the person hooking the fish. (3-20-97)

**03. Transport or Gift.** No person shall transport for another or accept as a gift any game fish unless a statement signed by taker accompanies the fish, showing the number and kinds, the date taken, the taker's name, address, and fishing license number. However, no person may claim ownership of more fish than allowed by the possession limit. (7-1-99)

### 04. Table on Bag and Possession Limits for Specified Fish.

| SPECIES   |            | BAG AND POSSESSION LIMITS   |
|---|------------|---|
| BASS - Largemouth and Smallmouth  | 6          | In the aggregate of both species, NONE under 12 inches.   |
| BROOK TROUT   | 25         |   |
| BULL TROUT (Dolly Varden)   | NONE       | There is no harvest season for bull trout. Any bull trout caught may not be removed from the water and must be released immediately.                      |
| BURBOT (Ling)   | NONE       | There is no harvest season for burbot. Any burbot caught may not be removed from the water and must be released immediately.                              |
| NORTHERN PIKE   | 6          |   |
| SALMON (Anadromous)   |            | See Rules 500 to 599  |
| STEELHEAD   |            | See Rules 400 to 499  |
| STURGEON  | NONE       | There is no harvest season for sturgeon. Any sturgeon caught may not be removed from the water and must be released immediately. Barbless hooks required. |
| TIGER MUSKIE  | 2          | NONE under 40 inches.   |
| TROUT - includes the following trout family fishes<br>brook, brown, cutthroat, golden, grayling, lake,<br>(Mackinaw), rainbow, splake, sunapee; trout<br>hybrids; and the landlocked forms of chinook,<br>coho, Atlantic and kokanee (blueback) salmon. | 6          | In the aggregate of all species (see Magic Valley Southeast, Upper Snake regions for special cutthroat trout restrictions).                               |
| WALLEYE and SAUGER  | 6 No Limit | <del>In the aggregate of both species.</del><br>SEE MAGIC VALLEY and SOUTHEAST<br>REGIONAL EXCEPTIONS   |
| WHITEFISH   | 25         |   |
| <del>NONGAME SPECIES OF SPECIAL</del><br>CONCERN PROTECTED NONGAME FISH -<br>Shoshone, Wood River and Bear Lake sculpin, sand-<br>roller, leatherside chub, Pacific lamprey.  | NONE       | May not be taken or possessed.  |
| All Species other than those listed above.  | NO LIMIT   |   |



# RESOURCE & CONSERVATION

## DEPARTMENT OF FISH & GAME Rules Governing Fish

Docket No. 13-0111-0601  
PENDING RULE

~~(4-6-05)~~(11-21-06)T

**05. Family Fishing Waters.** Waters designated as Family Fishing Waters shall have a year round season: a general bag limit ~~for~~ of six (6) trout, of six (6) bass, ~~walleye and pike~~; no length limits; and allow the use of standard fishing gear. Pursuant to Section 36-105(3), Idaho Code, the Commission sets seasons and regional exceptions, including designated Family Fishing Waters, by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. ~~(4-6-05)~~(11-21-06)T

**06. Special Limits.** No person shall fish in any waters while having fish in possession in excess of the limits for those waters. (7-1-99)

### (BREAK IN CONTINUITY OF SECTIONS)

#### 403. PERMIT VALIDATION.

When a steelhead trout has been hooked, landed, and reduced to possession, the angler hooking the fish must immediately do the following: (3-20-97)

**01. Permit.** Completely remove one (1) numbered notch from the permit. (3-20-97)

**02. Number Code.** Look up the number code from the location code list and write it in the space provided.

| RIVER LOCATION CODES   |    |
|--|----|
| SNAKE RIVER  |    |
| Snake River, downstream from Salmon River                              | 01 |
| Snake River, <del>upstream</del> from Salmon River to Hells Canyon Dam | 02 |
| Snake River, Hells Canyon Dam to Oxbow Dam                             | 27 |
| CLEARWATER RIVER   |    |
| Clearwater River, downstream from Orofino Bridge                       | 03 |
| Clearwater River, upstream from Orofino Bridge                         | 04 |
| North Fork Clearwater River  | 05 |
| South Fork Clearwater River  | 07 |
| SALMON RIVER   |    |
| Salmon River, downstream from Whitebird Creek                          | 10 |
| Salmon River, Whitebird Creek to Little Salmon                         | 11 |
| Salmon River, Little Salmon to Vinegar Creek                           | 12 |
| Salmon River, Vinegar Creek to South Fork                              | 13 |
| Salmon River, South Fork to Middle Fork                                | 14 |

# RESOURCE & CONSERVATION

**DEPARTMENT OF FISH & GAME**  
**Rules Governing Fish**

**Docket No. 13-0111-0601**  
**PENDING RULE**

| RIVER LOCATION CODES                          |    |
|---|----|
| Salmon River, Middle Fork to North Fork       | 15 |
| Salmon River, North Fork to Lemhi River       | 16 |
| Salmon River, Lemhi River to Pahsimeroi River | 17 |
| Salmon River, Pahsimeroi River to East Fork   | 18 |
| Salmon River, upstream from the East Fork     | 19 |
| OTHER   |    |
| Little Salmon River                           | 20 |
| Panther Creek                                 | 24 |
| Boise River                                   | 28 |
| Payette River                                 | 29 |

~~(4-6-05)~~(11-21-06)T

**03. Date Entry.** Enter the month and day the fish was caught. (4-6-05)

# **RESOURCE & CONSERVATION**

## **IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**

### **25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

**DOCKET NO. 25-0101-0601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. A pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If a pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) (36-2107(b) and (d), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**The changes proposed in Section 058.03 clarify operational boundaries where and how existing outfitters can operate on the St. Joe River.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2 2006, Idaho Administrative Bulletin, Vol. 06-8, pages 70 through 73.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact: Jake Howard, Executive Director (208) 327-7380 - FAX (208) 327-7382.

DATED this 21st day of November, 2006.

***THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2006.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-2107(b) and (d), Idaho Code.

# RESOURCE & CONSERVATION

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## **OUTFITTERS & GUIDES LICENSING BOARD** **Outfitters & Guides Licensing Board**

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**Docket No. 25-0101-0601**  
**PENDING RULE**

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 16, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The changes proposed in Section 058.03 clarify operational boundaries where and how existing outfitters can operate on the St. Joe River.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change was brought about as the result of clarification of federal United States Forest Services (USFS) authorization of outfitter operations on the St. Joe River completed earlier this year. This temporary rule will allow existing outfitters to continue to provide guided services to the public for this operational season and in the future. These changes are clarification of existing federal permitted use and are not substantive.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the five outfitters that are affected by the rule change were notified via certified mail of this clarification in December, 2005 and four of these outfitters found the changes favorable. The fifth outfitter's concerns were reviewed by the Board and determined to be unfounded. Additionally, these changes are driven by clarifications negotiated with the USFS resulting in adjustment in state rule clarifying where outfitters can provide float boating and walk and wade fishing activities on the St. Joe River much of which is federally managed. The changes will put USFS policy and State rules in sync. These changes are not substantive.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact: Jake Howard, Executive Director (208) 327-7380 - FAX (208) 327-7382.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2006.

# RESOURCE & CONSERVATION

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**OUTFITTERS & GUIDES LICENSING BOARD**  
**Outfitters & Guides Licensing Board**

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**Docket No. 25-0101-0601**  
**PENDING RULE**

DATED this 14th day of June, 2006.

Jake Howard, Executive Director  
Outfitters and Guides Licensing Board  
1365 North Orchard, Suite 172, Boise, ID 83706  
(208) 327-7380 / FAX (208) 327-7382

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**059. RIVER, LAKE AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.**

***There are no changes to Subsections 059.01, 059.02, 059.04, or 059.05.***

**03. Licensable Waters -- River Sections (SH1) Henry's Fork Snake River Through (TE3) Teton River -- Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

| River/Section  | Maximum<br>No. Power | Maximum<br>No. Float |
|--|----------------------|----------------------|
| <b>(SH1) Snake River, Henry's Fork</b> - Henry's Lake Outlet to Hatchery Ford.<br>(Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan. | none                 | 7                    |
| <b>(SH2) Snake River, Henry's Fork</b> - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Warm River, Warm River to Ashton Dam, and Ashton Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.   | none                 | 8                    |
|  |                      |                      |

# RESOURCE & CONSERVATION

## **OUTFITTERS & GUIDES LICENSING BOARD** **Outfitters & Guides Licensing Board**

**Docket No. 25-0101-0601**  
**PENDING RULE**

| River/Section   | Maximum<br>No. Power | Maximum<br>No. Float |
|---|----------------------|----------------------|
| <b>(SH3) Snake River, Henry's Fork</b> - St. Anthony to confluence with South Fork of Snake River. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.   | none                 | 4                    |
| <b>(SS1) Snake River - South Fork</b> - Palisades Dam to confluence with Henry's Fork. No more than four (4) boats per section/per day may be used by an outfitter at any one time on any of the following river reaches: (a) Palisades Dam to Swan Valley Bridge; (b) Swan Valley Bridge to Black Canyon (Exception: Not more than eight (8) boats will be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m.); (c) Black Canyon to Poplar (Kelly Canyon); and (d) Poplar to the confluence with Henry's Fork. Restrictions: No outfitter may have more than twelve (12) boats on the SS1 in any one (1) day. Further, the lower boundary of Section (a) (Palisades Dam to Swan Valley Bridge) shall overlay Section (b) to the Conant takeout (Swan Valley Bridge to Black Canyon), and Section (b) shall overlay Section (c) to the Cottonwood access. Supply boats which do not carry clients are exempt from these restrictions. | 5                    | 6                    |
| <b>(SN1) Snake River</b> - Henry's Fork confluence downstream to Gem State Power Plant  | 3                    | 3                    |
| <b>(SN2) Snake River</b> - Gem State Power Plant downstream to headwaters of American Falls Reservoir   | 3                    | 3                    |
| <b>(SN3) Snake River</b> - American Falls Dam to Massacre Rocks State Park  | 3                    | 3                    |
| <b>(SN4) Snake River</b> - Massacre Rocks State Park to Milner Dam  | 3                    | 3                    |
| <b>* (SN5) Snake River</b> - Milner Dam to Star Falls   | none                 | 3                    |
| <b>* (SN6) Snake River</b> - Star Falls to Twin Falls   | none                 | 5                    |
| <b>(SN7) Snake River</b> - Twin Falls to Lower Salmon Falls Dam   | 3                    | 3                    |
| <b>(SN8) Snake River</b> - Lower Salmon Falls Dam to Bliss Dam  | 3                    | 5                    |
| <b>(SN9) Snake River</b> - Bliss Dam to headwaters of C.J. Strike Reservoir   | 5                    | 5                    |

# RESOURCE & CONSERVATION

## OUTFITTERS & GUIDES LICENSING BOARD Outfitters & Guides Licensing Board

Docket No. 25-0101-0601  
PENDING RULE

| River/Section  | Maximum<br>No. Power   | Maximum<br>No. Float      |
|--|--|---------------------------|
| (SN10) Snake River - C.J. Strike Dam to Walter's Ferry   | 5 outfitters for either power or float or combination thereof                                |                           |
|  |  |                           |
| (SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir  | 5  | none                      |
|  |  |                           |
| * (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing   | 18   | 15                        |
|  |  |                           |
| * (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only   | none   | 2                         |
|  |  |                           |
| (SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston   | 19   | 15                        |
|  |  |                           |
| (SN15) Snake River - Washington/Oregon stateline to Lewiston   | Limitations pending. (This section is set aside for future rules of fishing only outfitters) |                           |
|  |  |                           |
| (SJ1) St. Joe River - <del>Spruce Tree Campground to St Joe City Bridge.</del><br><del>St. Joe City Bridge to Lake Coeur d'Alene</del> St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter. | none<br>2  | 2 none<br><del>none</del> |
| (SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.   | none   | 1                         |
| (SJ3) St. Joe River - Avery to St. Joe City Bridge   | none   | 2                         |
| (SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene  | 2  | none                      |
|  |  |                           |
| (SM1) St. Maries River   | 5  | 5                         |
|  |  |                           |
| (TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp   | 5 outfitters for either power or float or combination thereof                                |                           |
|  |  |                           |
| (TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp  | 6 outfitters for either power or float or combination thereof                                |                           |
|  |  |                           |

## RESOURCE & CONSERVATION

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**OUTFITTERS & GUIDES LICENSING BOARD**  
**Outfitters & Guides Licensing Board**

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**Docket No. 25-0101-0601**  
**PENDING RULE**

| River/Section   | Maximum<br>No. Power | Maximum<br>No. Float |
|---|----------------------|----------------------|
| (TE3) Teton River - Harrop Bridge to confluence with Snake River,<br>motors not to exceed 10 hp | none                 | 5                    |

\* Classified rivers

## Floatboat and powerboat outfitters on these sections shall be considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but shall not include overnight activities. Conflicts with land-based outfitters shall be handled on a case-by-case basis.

~~(4-11-06)~~(7-1-06)T



# **RESOURCE & CONSERVATION**

## **IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**

### **25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

**DOCKET NO. 25-0101-0602**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. A pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If a pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) (36-2107(b) and (d), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: As provided for in Section 36-2106, Idaho Code, this rule change will give the Board greater flexibility in scheduling Board meetings. The proposed change amends Section 071 by removing existing language that restricts the Board from scheduling meetings at times other than those now stipulated in rule. This proposed rule will have minimal impact on the outfitting and guiding industry and the public.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 6, 2006, Idaho Administrative Bulletin, Vol. 06-9, page 146.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact: Jake Howard, Executive Director (208) 327-7380 - FAX (208) 327-7382.

DATED this 21st day of November, 2006.

#### ***THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) (36-2107(b) and (d), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an

# RESOURCE & CONSERVATION

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**OUTFITTERS & GUIDES LICENSING BOARD**  
**Rules of the Outfitters & Guides Licensing Board**

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**Docket No. 25-0101-0602**  
**PENDING RULE**

agency, not later than September 20, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: As provided for in Section 36-2106, Idaho Code, this rule change will give the Board greater flexibility in scheduling Board meetings. The proposed change amends Section 071 by removing existing language that restricts the Board from scheduling meetings at times other than those now stipulated in rule. This proposed rule will have minimal impact on the outfitting and guiding industry and the public.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this proposed rule change will have minimal impact on the outfitting and guiding industry and on the public.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Jake Howard, Executive Director (208) 327-7380 - FAX (208) 327-7382.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2006.

DATED this 14th day of July, 2006.

Jake Howard, Executive Director  
Outfitters and Guides Licensing Board  
1365 North Orchard, Suite 172  
Boise, ID 83706  
(208) 327-7380 / FAX (208) 327-7382

## ***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

### **071. BOARD MEETINGS.**

Board meeting dates shall be established for the conduct of regular Board business ~~on a calendar year basis. Such meetings shall be held beginning the fourth Monday of February, April, June and August. Additional meetings may be scheduled at other times during the year~~ in accordance with

## **RESOURCE & CONSERVATION**

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**OUTFITTERS & GUIDES LICENSING BOARD**  
**Rules of the Outfitters & Guides Licensing Board**

**Docket No. 25-0101-0602**  
**PENDING RULE**

the Idaho Open Meeting Law, Idaho Code 67-2340 through 67-2347.

~~(9-1-90)~~(\_\_\_\_)